

By Mrs. WINGO: A bill (H. R. 14435) granting a pension to Julia Pitts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14436) for the relief of William C. Ross; to the Committee on Military Affairs.

By Mr. WOLFENDEN: A bill (H. R. 14437) for the relief of Edward P. O'Neal; to the Committee on Military Affairs.

Also, a bill (H. R. 14438) for the relief of Laura Mae Kurtz; to the Committee on Claims.

By Mr. CELLER: Joint resolution (H. J. Res. 415) for the relief of Bernt Balchen, a member of the Byrd Antarctic expedition; to the Committee on Immigration and Naturalization.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7756. By Mr. BOYLAN: Resolution adopted by the American Federation of Labor, at its convention held in Boston, Mass., October 6 to 17, 1930, favoring the maintenance of efficiently manned navy yards and arsenals to produce adequate national defense; to the Committee on Naval Affairs.

7757. By Mr. BRUMM: Petition of evidence in support of House bill 14104, granting a pension to Sarah E. Derr; also, House bill 14105, granting a pension to Anna Stutzman; to the Committee on Invalid Pensions.

7758. By Mr. CRAIL: Petition of approximately 500 citizens of Los Angeles County, Calif., favoring the immediate enactment of legislation which will result in the outstanding adjusted-compensation certificates being paid in cash at their face value; to the Committee on Ways and Means.

7759. By Mr. CRAMTON: Petitions signed by Georgia M. Cauty and three other residents of the seventh district of Michigan, urging favorable action on House bill 7884, a bill for the exemption of dogs from vivisection in the District of Columbia; to the Committee on the District of Columbia.

7760. By Mr. CULLEN: Petition of American Federation of Labor, favoring maintenance of efficiently manned navy yards and arsenals for adequate national defense; to the Committee on Military Affairs.

7761. Also, petition of Women's Committee for Repeal of the Eighteenth Amendment, urging that the people be given the right to determine the question of retaining or repealing the eighteenth amendment to the Constitution; to the Committee on the Judiciary.

7762. Also, petition of Retail Dry Goods Association of New York City, urging that Congress reject the proposal of Postmaster General Brown to increase the rate of postage for first-class mail; to the Committee on the Post Office and Post Roads.

7763. By Mr. EATON of Colorado: Petition of 20 citizens of Denver, Colo., urging the passage of legislation looking to immediate payment of soldiers' adjusted-compensation certificates in cash (H. R. 3493); to the Committee on Ways and Means.

7764. Also, resolution signed by the president and five members of the board of directors of the Board of County Commissioners of La Plata County, Durango, Colo., urging passage of Senate Resolution 282 to secure an appropriation for use on highways in Ute Indian Reservation; to the Committee on Indian Affairs.

7765. By Mr. FISHER: Petition of citizens of Memphis, Tenn., urging the passage of House bills 162 and 6603; to the Committee on the Post Office and Post Roads.

7766. By Mr. GARBER of Oklahoma: Petition of certain citizens of the eighth congressional district of Oklahoma, urging enactment of legislation providing for cash payment of adjusted-compensation certificates; to the Committee on Ways and Means.

7767. By Mr. GLOVER: Petition of citizens of England, Ark., urging drought-relief legislation; to the Committee on Agriculture.

7768. By Mr. MEAD: Petition of the common council of the city of Buffalo, relative to the restoration of excess-profits tax; to the Committee on Ways and Means.

7769. By Mr. O'CONNELL: Petition of Al Grosz, Accepted Modes (Inc.), New York City, opposing increased postal rates; to the Committee on the Post Office and Post Roads.

7770. Also, petition of the American Federation of Labor, Washington, D. C., favoring maintenance of efficiently manned navy yards and arsenals for adequate national defense; to the Committee on Naval Affairs.

7771. By Mr. O'CONNOR of New York: Resolutions of the American Federation of Labor, favoring manufacture of war munitions and naval vessels in arsenals and navy yards; to the Committee on Naval Affairs.

7772. By Mr. ROBINSON: Petition urging the passage of the Vestal copyright bill, H. R. 12549, signed by Alfred R. Bradford and 53 other citizens of Dubuque, Dubuque County, Iowa; to the Committee on Patents.

## SENATE

THURSDAY, DECEMBER 4, 1930

(Legislative day of Wednesday, December 3, 1930)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

CARTER GLASS, a Senator from the State of Virginia; HARRY B. HAWES, a Senator from the State of Missouri; and JOSEPH E. RANDELL, a Senator from the State of Louisiana, appeared in their seats to-day.

#### COMMITTEE SERVICE

Mr. REED. Mr. President, I send to the desk the following order, which I ask to have read.

The VICE PRESIDENT. The Clerk will read, as requested.

The Chief Clerk read as follows:

Ordered, That the following Senators be assigned to membership on the following committees:

Mr. CAREY: To the Committee on Banking and Currency, the Committee on Civil Service, the Committee on the District of Columbia, the Committee on Irrigation and Reclamation, and the Committee on Military Affairs.

Mr. DAVIS: To the Committee on Banking and Currency, the Committee on Civil Service, the Committee on Interoceanic Canals, the Committee on Manufactures, and the Committee on Naval Affairs.

Mr. MORROW: To the Committee on Education and Labor, the Committee on Military Affairs, the Committee on Post Offices and Post Roads, the Committee on Printing, and the Committee on Public Buildings and Grounds.

Mr. REED. I ask unanimous consent that the order may be entered at this time.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

On request of Mr. ROBINSON of Arkansas and by unanimous consent it was—

Ordered, That the membership of the Committees on Banking and Currency, Commerce, Education and Labor, Manufactures, Post Offices and Post Roads, and Privileges and Elections be increased by one each for the minority and that one each of the membership on the Committees on Military Affairs and Naval Affairs heretofore assigned to the majority be transferred to the minority.

That Mr. BRATTON be excused from further service on the Committee on Pensions.

That the following Senators be assigned to membership on the following committees:

Mr. MCGILL: To the Committee on Naval Affairs, the Committee on Pensions, and the Committee on Post Offices and Post Roads.

Mr. BULKLEY: To the Committee on Banking and Currency, the Committee on Manufactures, and the Committee on Privileges and Elections.

Mr. WILLIAMSON: To the Committee on Commerce, the Committee on Education and Labor, and the Committee on Military Affairs.

#### EXECUTIVE MESSAGES

Sundry messages from the President of the United States making nominations were communicated to the Senate by Mr. Latta, one of his secretaries.

#### ANNUAL REPORT OF THE SECRETARY OF THE TREASURY

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmit-



ting, pursuant to law, his annual report on the state of the finances for the fiscal year ended June 30, 1930, which was referred to the Committee on Finance.

#### REPORTS OF THE POSTMASTER GENERAL

The VICE PRESIDENT laid before the Senate six communications from the Postmaster General, transmitting, pursuant to law, the following reports, which, with the accompanying papers, were referred to the Committee on Post Offices and Post Roads:

A report of a special contract entered into between the Post Office Department and the Hudson & Manhattan Railroad for carrying the mails on its road between Hudson Terminal Station, New York, N. Y., and Journal Square, Jersey City, N. J.;

Two reports of special contracts entered into between the Post Office Department and the Denver & Rio Grande Western Railroad Co. for carrying the mails on its road between Sapinero and Lake City, Colo., and between Thistle and Marysville, Utah;

A report of a special contract entered into between the Post Office Department and the Copper River & Northwestern Railway Co. for carrying the mails on its road between Cordova and Kennecott, Alaska;

A report of a special contract entered into between the Post Office Department and the Alaska Railroad for carrying the mails on the Government railroad in Alaska; and

A report of a special contract entered into between the Post Office Department and the Pacific & Arctic Railway & Navigation Co. for carrying the mails on its road between Skagway and White Pass, Alaska.

#### TROPIC EVERGLADES NATIONAL PARK, FLA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report as to the desirability and practicability of establishing a national park to be known as the Tropic Everglades National Park, in Florida, which, with the accompanying report, was referred to the Committee on Public Lands and Surveys.

#### REPORTS OF INTERSTATE COMMERCE COMMISSION

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the forty-fourth annual report of the commission, which was referred to the Committee on Interstate Commerce.

He also laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, pursuant to law, part 2 of the annual report, being a statement showing the names and compensation of persons employed by the commission for the fiscal year ended June 30, 1930, which was referred to the Committee on Interstate Commerce.

He also laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, pursuant to law, final valuations of properties of the New Orleans, Texas & Mexico Railroad Co. and 29 other railroads, which, with the accompanying papers, were referred to the Committee on Interstate Commerce.

#### SENATORIAL ELECTION EXPENDITURES IN NEBRASKA

The VICE PRESIDENT laid before the Senate a communication from Charles E. Matson, of Lincoln, Nebr., relating to charges made in Nebraska against Senator GERALD P. NYE and the committee investigating senatorial election expenditures and the conduct of that committee while in that State, which was referred to the Select Committee to Investigate Contributions and Expenses of Senatorial Candidates.

#### PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by the National Progressive League at Detroit, Mich., favoring an increase in the pay of members of the Army, Navy, and Marine Corps, which was referred to the Committee on Military Affairs.

He also laid before the Senate resolutions adopted by the Veterans of All Wars of the United States, favoring an

army and navy equal to that of any other nation, which were referred to the Committee on Military Affairs.

He also laid before the Senate resolutions of the East Side Commercial Club, of Portland, Oreg., favoring an appropriation of \$180,000,000 for the construction of dams, power houses, and locks in the Columbia River to Pasco and Kenewick, Oreg., which were referred to the Committee on Commerce.

He also laid before the Senate a resolution of the International Association of Game, Fish, and Conservation Commissioners adopted at Toronto, Canada, praying that the select committee of five appointed by the Senate to study the wild-life resources of America be made permanent, which was referred to the Committee on Rules.

He also presented a communication from E. E. Dudding, president of the Sandison Memorial Home, of Washington, D. C., submitting his conclusions as to the causes of crime and law violation, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the Improved Order of Red Men, in great council assembled, at Santa Cruz, Calif., favoring the repeal of the national prohibition amendment and the restoration in the several States of the right to regulate the manufacture and sale of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also laid before the Senate a draft by Abraham Schomer, of New York, N. Y., of a proposed constitutional amendment embodying scientific definition of war and relating to the prevention of war, which was referred to the Committee on the Judiciary.

He also laid before the Senate resolutions adopted by Washington Camp, No. 130, of Cape May Court House, Washington Camps, Nos. 163 and 206, of Burlington County, all of the Patriotic Order Sons of America in the State of New Jersey, praying for the passage of legislation making the Star-Spangled Banner the national anthem, which were referred to the Committee on the Library.

He also presented a resolution of Milwaukee Council, No. 19, Universal Craftsmen Council of Engineers, of Milwaukee, Wis., praying for the passage of legislation establishing a Federal department of education, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by the Brockton (Mass.) Central Labor Union, favoring action by the Government looking to the relief of the present unemployment situation, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by an unemployment conference held in Boston, Mass., praying for the passage of legislation providing for a Federal planning board for the purpose of stabilizing industry, which was referred to the Committee on Education and Labor.

He also laid before the Senate a statement of policy by the Navy League of the United States, of Washington, D. C., with reference to a naval building and replacement program, which was referred to the Committee on Naval Affairs.

He also laid before the Senate the petition of Miss Grace L. Bigelow, of Bloomfield, Conn., praying for the enactment of legislation imposing a tariff on importations of oil, which was referred to the Committee on Finance.

He also laid before the Senate a petition of the Russian Veterans' Society of the World War, of Seattle, Wash., praying for the passage of legislation providing for the relief of Russian invalids in the United States who were wounded in the World War, which was referred to the Committee on Finance.

He also laid before the Senate the petition of Royal C. Stephens, of Philadelphia, Pa., praying for the passage of legislation prohibiting immigration for a period of five years, which was referred to the Committee on Immigration.

He also laid before the Senate letters and communications in the nature of petitions from sundry citizens and organizations of New York, N. Y., Chicago, Ill., and Cleveland,



Ohio, praying for the passage of legislation providing for the deportation of communists and other undesirable aliens, which were referred to the Committee on Immigration.

He also laid before the Senate resolutions adopted by sundry municipalities in the Philippine Islands, praying for the passage of legislation granting independence to the Philippines, which were referred to the Committee on Territories and Insular Affairs.

He also laid before the Senate memorials of sundry municipalities in the Philippines, remonstrating against the confirmation of Nicholas Roosevelt as Vice Governor of the Philippine Islands, which were referred to the Committee on Territories and Insular Affairs.

He also laid before the Senate a resolution adopted by the Woman's Missionary Society of the General Synod of the Reformed Church in the United States, extending to the Members of the Senate thanks and appreciation of the organization for the prompt ratification of the London naval treaty, which was ordered to lie on the table.

Mr. CAPPER presented a petition of sundry disabled members of the National Military Home in the State of Kansas, praying for the passage of legislation providing for the immediate payment of adjusted-service compensation certificates of World War veterans, which was referred to the Committee on Finance.

#### EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

Mr. BORAH, from the Committee on Foreign Relations, favorably reported Executive Q, a treaty of arbitration between the United States of America and the Republic of China, signed at Washington on June 27, 1930.

He also, from the Committee on Education and Labor, favorably reported the nomination of William N. Doak, of Virginia, to be Secretary of Labor, vice James J. Davis, resigned.

#### BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WALSH of Massachusetts:

A bill (S. 5059) to reinstate Lawrence L. Myatt and Miller S. Burgin as midshipmen in the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. CARAWAY:

A bill (S. 5060) to provide for the immediate payment to veterans of the face value of their adjusted-service certificates; to the Committee on Finance.

A bill (S. 5061) to authorize the National Society United States Daughters of 1812 to make annual report to the Smithsonian Institution; to the Committee on the Judiciary.

Mr. CARAWAY. I desire to make this explanation with reference to one of the bills just introduced. It was introduced on Tuesday, but certain typographical errors were discovered in it, so that I am now reintroducing it as corrected, and ask that it be referred to the Committee on the Judiciary instead of the Library Committee.

The VICE PRESIDENT. Without objection, the bill will be so referred.

By Mr. COPELAND:

A bill (S. 5062) restricting the sale and providing for the distribution of certain military and naval supplies; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 5063) authorizing the Court of Claims of the United States to hear and report to Congress the claim of the city of Park Place, heretofore an independent municipality, but now a part of the city of Houston, Tex.; to the Committee on Claims.

By Mr. BROUSSARD:

A bill (S. 5064) to authorize the erection of an addition to Veterans' Bureau hospital at Alexandria, in the State of Louisiana, and to authorize the appropriation therefor; to the Committee on Finance.

By Mr. HATFIELD:

A bill (S. 5065) granting an increase of pension to Martha A. Brand; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 5066) granting a pension to Stephen D. Jones (with accompanying papers); and

A bill (S. 5067) granting an increase of pension to James J. Jordan (with accompanying papers); to the Committee on Pensions.

By Mr. KING:

A bill (S. 5068) prescribing qualifications for voters in the Virgin Islands; to the Committee on Territories and Insular Affairs.

A bill (S. 5069) authorizing the Secretary of the Navy to deliver to the State of Utah the silver service which was in use on the battleship *Utah*; to the Committee on Naval Affairs.

By Mr. HARRISON:

A bill (S. 5070) for the relief of Orville E. Clark; to the Committee on Claims.

By Mr. GLENN:

A bill (S. 5072) granting a pension to Jessie Parker Booth; to the Committee on Pensions.

A bill (S. 5073) to authorize an appropriation of \$2,000,000 to round out the construction program at Edward Hines, Jr., Hospital, Hines, Ill., and for other purposes; and

A bill (S. 5074) to authorize the erection of an addition to the Veterans' Bureau Hospital Plant No. 105, at North Chicago, Ill., and to authorize the appropriation therefor; to the Committee on Finance.

By Mr. SHORTRIDGE:

A bill (S. 5075) for the relief of Andrew M. Dunlop; to the Committee on Claims.

A bill (S. 5076) for the relief of Howard P. Cornick; to the Committee on Military Affairs.

A bill (S. 5077) authorizing the President to appoint Capt. DeWitt Blamer, United States Navy, retired, a rear admiral on the retired list of the Navy; to the Committee on Naval Affairs.

By Mr. McNARY:

A bill (S. 5078) to provide for the establishment and development of American air-transport services overseas, to encourage construction in the United States by American capital of American airships and other aircraft for use in foreign commerce, and for other purposes; to the Committee on Commerce.

By Mr. JOHNSON:

A bill (S. 5080) for the relief of the State of California; to the Committee on the Judiciary.

By Mr. ROBINSON of Arkansas:

A bill (S. 5081) authorizing the erection in the State of Arkansas by the Administrator of Veterans' Affairs of a 400-bed patient capacity hospital plant for disabled veterans, and for other purposes; to the Committee on Finance.

By Mr. HALE (for Mr. METCALF):

A bill (S. 5083) to authorize the Secretary of the Navy to proceed with certain public works at the Naval War College, Newport, R. I.; to the Committee on Naval Affairs.

By Mr. McKELLAR:

A bill (S. 5084) for the relief of Charles Whitaker (with accompanying papers); to the Committee on Claims.

By Mr. WHEELER:

A bill (S. 5085) to provide funds for cooperation with the school board at Poplar, Mont., in the extension of the high-school building to be available to Indian children of the Fort Peck Indian Reservation; to the Committee on Indian Affairs.

By Mr. BARKLEY:

A bill (S. 5086) granting a pension to Earl F. Alexander;

A bill (S. 5087) granting a pension to Sidney Britton;

A bill (S. 5088) granting a pension to Fred Faulkner;

A bill (S. 5089) granting an increase of pension to Charles N. Cannon; and

A bill (S. 5090) granting an increase of pension to Lucinda C. Muncey; to the Committee on Pensions.



By Mr. GLENN:

A joint resolution (S. J. Res. 217) to authorize personnel quarters, elevator, and kitchen equipment at Dwight, Ill.; to the Committee on Finance.

#### VETERANS' BUREAU HOSPITAL IN SOUTH CAROLINA

Mr. SMITH. Mr. President, I introduce a bill to authorize the erection of a veterans' hospital in the State of South Carolina, which I asked be referred to the Committee on Finance, and in this connection I request that a letter from the vice chairman of the national legislative committee of the American Legion be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill (S. 5071) to authorize the erection of a Veterans' Bureau hospital in the State of South Carolina, and to authorize the appropriation therefor, was read twice by its title and referred to the Committee on Finance.

The letter above referred to is as follows:

THE AMERICAN LEGION,  
NATIONAL LEGISLATIVE COMMITTEE,  
Washington, D. C., December 1, 1930.

HON. ELLISON D. SMITH,  
United States Senate, Washington, D. C.

MY DEAR SENATOR SMITH: Inclosed herewith please find draft of bill prepared in response to the resolution adopted by the Boston convention of the American Legion.

The veterans from your State will appreciate very much your introduction of this bill. If you will advise us when it has been introduced we will, of course, take pleasure in notifying the adjutant of the department of South Carolina so that the proper publicity can be given the matter in the Legion circles there.

Very truly yours,

JOHN THOMAS TAYLOR,  
Vice Chairman National Legislative Committee.

#### RELIEF OF UNEMPLOYMENT

Mr. JONES. I introduce a bill which proposes to appropriate \$150,000,000, and is offered pursuant to a Budget estimate which has been sent down by the Treasury Department. It is intended to apply this sum of money only to projects that have been heretofore adopted by Congress. All that it will do will be to expedite them, in order to assist in meeting the unemployment situation. I ask that the bill may be referred to the Committee on Appropriations.

The bill (S. 5079) making an appropriation to provide an emergency construction fund for public works during the remainder of the fiscal year ending June 30, 1931, was read twice by its title and referred to the Committee on Appropriations.

#### RIVER AND HARBOR PROJECTS

Mr. SHIPSTEAD. I ask unanimous consent to introduce a bill and to have it printed in the RECORD, and following that an explanatory statement of the bill and the reasons for its introduction. I also ask that an article from the Boston American setting forth the views of Mayor Curley, of Boston, of a program of development of inland waterways, and also a resolution by the National Organization of Farmers' Elevators indorsing the development and early building of the inland waterways be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill (S. 5082) to provide for the early completion of the works of improvement on the adopted and authorized river and harbor projects, including the connecting channels of the Great Lakes, and to authorize the issuance of bonds therefor, was read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That for the purpose of supplementing the appropriations made by Congress from time to time for the improvement of rivers and harbors used in interstate commerce; of completing the authorized and adopted river and harbor projects, including the connecting channels of the Great Lakes, and insuring for the public the beneficial use thereof within the shortest possible time and at the lowest possible cost; of enabling the Secretary of War to enter into such comprehensive and continuing contracts for the execution of said works of improvement as will establish for each project the probable date of its completion with a degree of certainty justifying the immediate investment of capital in terminal and industrial development based upon the prospective use of such improvements; and of employing idle capital, idle industry, and idle labor in the construction of said works, the Secretary of the Treasury is hereby authorized and directed to borrow on the credit of the United States from time to time, as the proceeds may be required to defray expenditures on account of works of improvement authorized on said adopted projects, the sum of \$500,000,000 (which sum, together with moneys already appropriated, equals the estimate of the United States Army engineers to cover the entire cost of completing the adopted river and harbor projects, including the connecting channels of the Great Lakes), and to prepare and issue therefor coupon or registered bonds of the United States, to be known as internal improvement bonds, in such form as he may prescribe and in denominations of \$100, \$500, and \$1,000, redeemable in gold coin at the pleasure of the United States after 10 years from the date of their issue and payable 20 years from such date, and bearing interest payable quarterly in gold coin at a rate not exceeding 3 per cent per annum, and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as taxation in any form by or under State, municipal, or local authority: *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all citizens of the United States an equal opportunity to subscribe therefor, but no commission shall be allowed or paid thereon; and a sum not exceeding one-tenth of 1 per cent of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of preparing advertising and issuing the same.

The proceeds of the sale of bonds herein authorized shall be applied, in addition to moneys already appropriated, to the prosecution of works of improvement on all adopted and authorized river and harbor projects, including the connecting channels of the Great Lakes, with a view to their completion within the shortest time not exceeding a period of five years.

Nothing contained in this or any other act shall prevent the Secretary of War from entering into such contract or contracts as may be deemed expedient by him for the completion of the construction of works of improvement on said adopted and authorized projects where the completion of the improvement may be hastened thereby. Purchases of material and equipment for use in the construction of such projects shall be restricted to articles of domestic production and manufacture, from the lowest responsible bidder, unless the Secretary of War shall, in any case, deem the bids or tenders therefor to be extortionate or unreasonable.

The statement of Mr. SHIPSTEAD is as follows:

I am introducing this bill providing for the issuance of internal-improvement bonds to complete the authorized river and harbor projects, including the connecting channels of the Great Lakes, within five years, in order to place this proposal before the country for the earnest consideration of our people. It must be apparent to anyone who has given thought to the subject that the condition of the Federal Government's finances is such that these projects can not be completed within the time allotted to each under the present method of financing through direct appropriations. Therefore I have suggested two methods of getting these authorized waterways built on time, through the application of a part of the war-debt retirement funds to the construction of these waterways or a comparatively small internal loan. At this time I believe that a combination of both methods is advisable.

We are confronted with a reduced national income and an insistent demand for increased expenditures to stimulate industry and to relieve unemployment. Private capital can not alone meet this situation. Industry is already overexpanded and the present state of both business and securities calls for retrenchment. Public works, on the contrary, have not since the beginning of the war kept pace with the rapid growth of the country. In my judgment the whole rivers and harbors program should be pressed at this time to a speedy completion. Directly and indirectly the work would give large employment for the next five years. Nothing would have a more steadying effect upon labor than a realization that Federal aid in the form of intensive prosecution of all authorized river and harbor improvements would be given now.

This emergency can not be met by current appropriations without resorting to increased taxation. It appears to be most timely as well as logical and sound policy for the Government to now employ not only idle labor but idle capital and idle industry in the construction of these reproductive works. All of these improvements have already been planned by the Government, sanctioned by Congress, and are only awaiting suitable financial arrangements to carry them into execution. And when we consider that we can save millions of dollars in first cost, in addition to interest, and make available to the people of the United States the beneficial use of these waterways during the present generation, then it seems to me it is our sacred duty to adopt the best means of accomplishing these objects.

The National Government has called upon private industry, municipalities, and States, to bond themselves for the construction of new work and internal improvements, but beyond this request and the compilation of statistics as to what others are doing the Government of the United States has not provided a dollar in addition to current appropriations to relieve this emergency.

The general depression has of necessity affected the railroads but not to the extent that it has affected industry and com-



merce. What the railroads need is not higher freight rates, which add to the burdens of business and industry and correspondingly reduced tonnage, but the creation of conditions which will make business and industry prosper and thereby increase tonnage and the revenues of the railroads. Meanwhile the vigorous prosecution of these works carried on simultaneously in all sections of the United States will employ the transportation facilities of the country and assist them greatly in tiding over this period of depression.

I have previously pointed out the advantages to the Government and to the people of the United States in completing our authorized waterway projects in the shortest time possible, not in excess of five years. Summarized, they are as follows:

First. The depressed condition of trade, industry, and agriculture calls for relief now through the savings which will be available from transportation on improved waterways.

Second. Economy in Government financing. The present piecemeal method of prosecuting the work on these projects under the handicap of uncertain annual appropriations will require 20 years for their completion. Conservative calculations disclose that piecemeal methods of the past increase the cost at least 40 per cent over original estimates and authorizations—witness the Ohio River, which was estimated to cost \$63,000,000, and actually cost after 20 years of piecemeal work in excess of \$100,000,000. A 5-year program on already authorized river and harbor projects would, therefore, save in first cost approximately \$330,000,000.

Third. Savings in interest on capital and unproductive during the average period of construction of some 20 years under present piecemeal methods will amount to \$162,500,000.

Fourth. The relief of unemployment. Directly or indirectly 500,000 men will be given employment during the next five years.

Fifth. Industry would, if a definite short term of years was officially established for the completion of our inland waterways, anticipate their completion as it did on the Ohio, and construct plants and facilities now, thus employing added labor and capital.

This program if carried on vigorously will, in my judgment, do more to relieve the present depressed condition of the country than any other measure so far suggested. It will remove the element of uncertainty which underlies every industrial crisis. Moreover, these improvements are of a permanent nature and equally serve future generations, who in all justice should bear a part of their cost.

In view of the present economic depression, whose seriousness and duration is, in my opinion, underestimated, I believe that a prudent and courageous expenditure of public funds is not only imperative from the point of view of economics but is the patriotic duty of statesmen.

The newspaper articles above referred to are as follows:

[From the Boston American of Wednesday October 29, 1930]

**CURLEY IN NEW BILLION PLEA TO HOOVER—MAYOR IN LETTER TO PRESIDENT ELABORATES ON PLAN TO END JOBLESS CRISIS**

By John T. Lambert

A billion-dollar project for development of the Mississippi River in order that business may be revived, unemployment relieved, and the future greatness of America envisioned was to-day submitted to President Hoover by Mayor Curley.

The mayor urged the project to President Hoover during his recent visit to Washington, when they discussed unemployment and the business crisis at length. But the President seemed wedded to a program of river development in which only \$125,000,000 a year would be spent.

Piecemeal development of America's great natural resources is wasteful and ineffective, the mayor declares, and contains no element of the constructive leadership and imagination which the people have the right to expect in a period of grave emergency.

#### WHAT IT WOULD DO

An announcement by President Hoover of his intention to go forward with a billion-dollar development, Mayor Curley says, would electrify the country, destroy the grim psychology of fear, put America on the road to business recovery, and dissipate unemployment overnight.

In addition to the armies of men immediately required for the construction work, Mayor Curley believes it would afford employment for many thousands in the manufacture of the basic construction materials, ranging from the brick kiln to electrical equipment manufacturing like the General Electric Co. here in Massachusetts.

At the request of the administration, Mayor Curley elaborated the tremendous project in a comprehensive letter which he sent to-day to President Hoover, Secretary of War Hurley, whose Army engineers would supervise such a project, and to other Government officials at Washington.

His letter is a document believed to contain the most constructive suggestion yet made in this country to overcome the business depression.

Mayor Curley declares in his letter that the deepening of the river, opening it to ocean-borne traffic, would stimulate development of the American merchant marine.

It would develop an inland industrial empire of more potential value than the Louisiana purchase, he says, because no great manufacturer could afford to be without at least one plant on this new waterway of commerce.

By building storage basins, the people of the Mississippi Valley, he says, would be saved from the flood catastrophes such as devastated this country only three years ago, and they would be

guaranteed a steady supply of water for their crops in the periods of drought.

The farmers of the West, now languishing in a period of sorry depression that has lasted 10 years, with wheat down to 50 cents a bushel, would derive the immense advantage of lower transportation rates for their products of the soil, Mayor Curley declared. Without their prosperity, the country as a whole can not be prosperous to its fullest degree.

A deeper and wider Mississippi River, he declares, would facilitate the industrial and agricultural commerce of inland America to the trade marts of the Orient and Latin America. He reminds President Hoover that because of the tariff and because of anti-American hostility in Europe, the future foreign trade of the United States must be largely with the countries of Latin America to the south.

#### WOULD PAY FOR SELF

European competition is again penetrating those markets, he says, attempting to regain its pre-war advantage. The United States has the advantage of contiguity, Mayor Curley says, but it can not be utilized fully to the best interests of the American continent as a whole until the industrialist and exporter are given the benefit of cheap water transportation rates.

President Hoover's largest reputation is as an engineer, Mayor Curley reminds him, and he will be expected by the country to visualize the vast merit of this great enterprise.

Mayor Curley also declared that the American people would not countenance the blocking of this magnificent development by the powerful railroad interests which selfishly opposed the Panama Canal or by the electric-power interests which for years stood in the path of Boulder Canyon Dam. Cheaper water-power energy from the storage basins would be one of by-products of this development and the lowered rates and more efficient electrical service would be of incalculable value to all consumers, from manufacturers to householders.

Mayor Curley predicts that the saving in transportation rates and electric power and the increment of increased property values would alone pay the entire cost of this project within this generation.

He calls President Hoover's attention to the fact that the Army engineers have been in charge of the Mississippi many years and he presumes they have evolved plans which would permit the development to be undertaken without delay.

[From the Chicago Journal of Commerce and La Salle Street Journal of December 3, 1930]

**ELEVATOR MEN DISAGREE ON RELIEF PLANS—NATIONAL GROUP, FRIENDLY TO FARM BOARD, URGES WATERWAY COMPLETION—OTHERS ARE ANTAGONISTIC—CONFERENCE WANTS INDIVIDUAL MARKETING WITH FEDERAL AID MANDATORY**

Two farmers' elevator organizations with the same purposes but divergent aspirations closed individual sessions in Chicago last night. One was the National Organization of Farmers' Elevators, which met at the Fort Dearborn Hotel, and urged President Hoover and Congress to speed the construction and completion of the entire inland-waterways system, and the other was the Farmers' Elevator General Conference, which went on record as favoring immediate congressional action that will assist the farmers of the mid-western district in solving their marketing problems.

The national organization of farmers' elevators was formed in 1913. The general conference, which is an outgrowth of the national group, with the chief object of preventing Government control of grain elevators through the proposed marketing system, came into being at Mason City, Iowa, in November of this year.

#### PRIVATE OWNERSHIP URGED

"We want the 4,000 farmer elevators in the middle-western or surplus-grain region of the country to be entirely owned and controlled by the farmers and not by the National Government," said Millard R. Myers, a leader in the cooperative farmer elevator movement, who met with the general conference in the Great Northern.

"We also want the farmers who own these elevators to have control of the terminal and other marketing agencies that handle their grain. In short, we want decentralized control of the farmer elevators," he asserted.

#### RESOLUTION ASKS RELIEF

The resolutions as adopted by the general conference of farmer elevators pertaining to legislation as adopted just before adjournment, said:

"Whereas the farm relief law was enacted as an emergency measure to meet a condition that existed in the agricultural districts and the purpose of the bill was to immediately relieve a depressed condition then existing, which condition was the closing of banks, foreclosing on farms and placing the land in the hands of large corporation interests; and

"Whereas the methods of applying the law have resulted in the establishment of mere merchandising agencies which have utterly failed to accomplish any benefit to agriculture or business: Now, therefore,

#### LOAN PROVISION DEMAND

"This conference urgently recommends such action by our National Government as will in some measure at least assist the people of the agricultural districts to meet their pressing needs.

"We demand such an amendment to our agricultural marketing act as will make it mandatory upon the Federal Farm Board to recognize with loans on grain any group of farmers' elevators operating within the State handling a minimum of 5,000,000 bushels of grain annually, without a requirement by the Farm



Board that the grain shipped from members of such regional shall be pooled when sold: *Provided*, That the loans from the Farm Board to the local elevators through such regional be protected by satisfactory security."

#### STATE ORGANIZATIONS FAVORED

In continuance of the thought in this resolution, the general conference also adopted a resolution to the effect that "the farmers' elevator State associations form organizations within those States for the purpose of binding together the companies for merchandising."

The conference also authorized the farmer elevator general committee to prepare and submit two plans for cheaper money and adequate financing of farmers' elevators. One of these would be for the storing of grain, entailing the use of bankers' acceptances, and the other financing through a corporation to cover the physical property of the owners on a long time loan basis. These two plans are to be worked out by the committee and presented at a meeting of the general conference in another session at Minneapolis some time next February.

#### WATERWAY ACTION URGED

The National Organization of Farmers' Elevators said specifically on the point of inland-waterways construction in its resolution:

"Be it resolved, That we continue to pledge our support and urge President Hoover and Congress to speed the construction and completion of the entire inland-waterways system to the end that transportation costs may be reduced and thus assist our producers in the Middle West."

Still another resolution had to do with the repayment of the farmers' elevators by the United States Grain Corporation on grain contracts with the elevators, which would be covered by the passage of a resolution approved by President Coolidge on March 4, 1929.

#### COOPERATIVES APPROVED

The organization of national elevator owners went on record as favoring and indorsing the principles of voluntary cooperative marketing with local, terminal, and national sales agencies so long as the local companies are privileged to retain their local ownership and control.

Robert B. Orndorff, vice president of the Illinois Farmers Grain Dealers Association, who attended the sessions of the general conference of elevator operators at the Great Northern, stated that the State association has already adopted a resolution in cooperation with the Farmer Elevator Association of Minnesota that the farmer elevator companies refrain from relinquishing any control of their local organizations

#### OPPOSES SIGNING RESTRICTIONS

He also said they refrain, as well, from signing any contracts under the United States grain marketing plan that would deprive them of the privilege of selling their grain to the highest bidder in competitive markets.

It was on this point, largely, that the general conference and the National Organization of Farmers' Elevators were in disagreement, it was said, the national favoring the farm relief law and the general conference being opposed to it.

#### LEGGE ADDRESSES MARKETERS

Alexander Legge, chairman of the Federal Farm Board, yesterday spoke before the National Association of Marketing officials. He said:

"There is plenty of room for improvement through cooperation of producers when it costs more to get a small package of fruit from the railroad car in Chicago to the consumer's table than the entire cost of producing, packing, and hauling it over a distance of 2,000 miles to town. The main job is for each group and agency to discover its proper relation to the entire program and join whole-heartedly in cooperating for the welfare of all."

Mr. Legge added that there had been progress made in clarifying the relationship between the various Farm Board agencies recently and he felt that prospects for closer cooperation were brighter than ever before.

#### EMPLOYMENT OF RESIDENT LABORERS AND MECHANICS

Mr. COUZENS. On December 2 I introduced a joint resolution (S. J. Res. 214) to require that public contracts provide for employment of resident laborers and mechanics and for payment of highest prevailing rate of wages, and asked that it be printed and lie on the table. I ask to have the joint resolution referred to the Committee on Education and Labor.

The VICE PRESIDENT. Without objection, it is so ordered.

#### AMENDMENT TO FIRST DEFICIENCY APPROPRIATION BILL

Mr. KING submitted an amendment intended to be proposed by him to the first deficiency appropriation bill, fiscal year 1931, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place, insert the following:

#### "UNITED STATES GEOLOGICAL SURVEY

"Rocky Mountain district: For continuing the activities of the United States Geological Survey in the Rocky Mountain district, \$24,000."

#### INVESTIGATION OF POSTAL CONDITIONS IN FIRST CONGRESSIONAL DISTRICT OF TENNESSEE

Mr. McKELLAR submitted the following resolution (S. Res. 353), which was referred to the Committee on Post Offices and Post Roads:

Whereas in the recent election held in the first congressional district of Tennessee there was an independent Republican candidate for Congress against a sitting Congressman; and

Whereas during the campaign innumerable charges of fraud and wrong were made in said district in reference to the appointment of postmasters, the appointment of clerks, carriers, and other civil-service employees; and

Whereas charges were made that such employees and postmasters were required to contribute to political campaigns; and

Whereas since the said election, charges have been preferred against civil-service employees and innumerable letters are coming in, for or against, such employees: Now, therefore, be it

Resolved, That the Committee on Post Offices and Post Roads, or any subcommittee thereof, is hereby authorized and directed to make an investigation of postal conditions, postal appointments, and postal employees in the first congressional district of Tennessee, and to ascertain whether or not charges of political activity or of enforced contributions from postal employees or other practices hurtful to the service have been carried on in said district.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places, to employ such experts and clerical, stenographic, and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services in reporting such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed \$1,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

#### INVESTIGATION RELATIVE TO THE ANTITRUST LAWS

Mr. KING submitted the following resolution (S. Res. 354), which was referred to the Committee on the Judiciary:

Resolved, That the Committee on the Judiciary, or any duly authorized subcommittee thereof, is authorized to conduct a thorough investigation for the purpose of determining whether it is desirable or necessary (a) to strengthen and extend the provisions of the antitrust laws or (b) to modify any of the provisions of such laws. The committee shall report to the Senate as soon as practicable the results of its investigation, together with its recommendations, if any, for necessary legislation.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-first and succeeding Congresses until the final report is submitted, to employ such clerical and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed \$5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

#### DEPORTATION OF ALIENS

Mr. HAYDEN. I ask leave to submit a Senate resolution, and I ask that it may be printed and lie over, to be considered during the next morning hour.

The resolution (S. Res. 355) was read and ordered to lie over under the rule, as follows:

Resolved, That the Secretary of Labor be, and is hereby, requested to furnish to the Senate the following information:

First, the estimated number of aliens who have unlawfully entered and are now in the United States.

Second, approximately what number of such aliens are subject to deportation under existing laws.

Third, what additional appropriations of money are necessary to accomplish the prompt deportation of such aliens.

Fourth, what changes should be made in existing laws to facilitate the deportation of undesirable aliens.

#### MARY A. CHAPLINE

Mr. BARKLEY submitted the following resolution (S. Res. 356), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the appropriation for miscellaneous items, contingent fund of the Senate, fiscal year 1930, to Mary A. Chapline, widow of Charles B. Chapline, late an employee of the Senate folding room, under supervision of the Sergeant at Arms, the sum of \$500, said sum to be considered inclusive of funeral expenses and all other allowances.



## EXECUTIVE MESSAGES

Sundry messages from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

## APPORTIONMENT OF REPRESENTATIVES IN CONGRESS

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying statement, referred to the Committee on Commerce:

*To the Congress of the United States:*

In compliance with the provisions of section 22 (a) of the act approved June 18, 1929, I transmit herewith a statement prepared by the Bureau of the Census, Department of Commerce, giving the whole number of persons in each State, exclusive of Indians not taxed, as ascertained under the Fifteenth Decennial Census of population, and the number of Representatives to which each State would be entitled under an apportionment of the existing number of Representatives by the method known as the method of major fractions, which was the method used in the last preceding apportionment, and also by the method known as the method of equal proportions.

HERBERT HOOVER.

THE WHITE HOUSE, December 4, 1930.

## REPORT OF JUVENILE COURT IN THE DISTRICT (S. DOC. NO. 228)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, referred to the Committee on the Judiciary, and ordered to be printed:

*To the Congress of the United States:*

I transmit herewith, for the information of the Congress, a communication from the judge of the juvenile court of the District of Columbia, together with a report covering the work of the juvenile court during the year ended June 30, 1930.

HERBERT HOOVER.

THE WHITE HOUSE, December 4, 1930.

NOTE.—Report accompanied similar message to the House of Representatives.

## REPORT OF NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying paper, was read and referred to the Committee on Naval Affairs:

*To the Congress of the United States:*

In compliance with the provisions of the act of March 3, 1915, establishing the National Advisory Committee for Aeronautics, I submit herewith the sixteenth annual report of the committee for the fiscal year ended June 30, 1930.

Attention is invited to the opening portion of the committee's report dealing with the aeronautical situation generally, and also to Part V of the report presenting a summary of progress in the technical development of aircraft. It is gratifying to note therein, and in Chairman Ames's letter of transmittal, the committee's views as to the factors that have contributed to and assure the further progress of aeronautics.

I concur with the committee's recommendations at the end of the report regarding the further development of aircraft and the need for continued prosecution of scientific research in aeronautics.

HERBERT HOOVER.

THE WHITE HOUSE, December 4, 1930.

NOTE.—Report accompanied similar message to the House of Representatives.

## REVISION OF CANAL ZONE LAWS

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on InterOceanic Canals:

*To the Congress of the United States:*

In conformity with the provisions of the act of May 17, 1928 (45 Stat. 596), entitled "An act to revise and codify the

laws of the Canal Zone," I transmit herewith a letter from the Secretary of War forwarding certain amendments suggested for consideration in connection with the proposed revision of the Canal Zone laws, which was printed in House Document No. 460, Seventy-first Congress, second session.

The changes recommended by the Secretary of War have my approval, and I recommend that they be given consideration and approval by the Congress.

HERBERT HOOVER.

THE WHITE HOUSE, December 4, 1930.

## REPORT OF GOVERNOR OF THE PANAMA CANAL

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on InterOceanic Canals:

*To the Congress of the United States:*

I transmit herewith for the information of the Congress the annual report of the Governor of the Panama Canal for the fiscal year ended June 30, 1930.

HERBERT HOOVER.

THE WHITE HOUSE, December 4, 1930.

## REPORT OF PANAMA RAILROAD CO.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on InterOceanic Canals:

*To the Congress of the United States:*

I transmit herewith, for the information of the Congress, the Eighty-first Annual Report of the Board of Directors of the Panama Railroad Co. for the fiscal year ended June 30, 1930.

HERBERT HOOVER.

THE WHITE HOUSE, December 4, 1930.

## REPORT OF THE BUREAU OF EFFICIENCY

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Appropriations:

*To the Congress of the United States:*

As required by the act of March 4, 1915, and February 28, 1916, I transmit herewith the report of the United States Bureau of Efficiency for the period from November 1, 1929, to October 31, 1930.

HERBERT HOOVER.

THE WHITE HOUSE, December 4, 1930.

## REPORT OF DIRECTOR OF PUBLIC BUILDINGS AND PARKS OF THE NATIONAL CAPITAL

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Public Buildings and Grounds:

*To the Congress of the United States:*

I transmit herewith, for the information of the Congress, the annual report of the Director of Public Buildings and Public Parks of the National Capital for the fiscal year ended June 30, 1930.

HERBERT HOOVER.

THE WHITE HOUSE, December 4, 1930.

## REPORT OF PERRY'S VICTORY MEMORIAL COMMISSION

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on the Library:

*To the Congress of the United States:*

I transmit herewith, for the information of the Congress, the Eleventh Annual Report of the Perry's Victory Memorial Commission for the year ended December 1, 1930.

HERBERT HOOVER.

THE WHITE HOUSE, December 4, 1930.

## REPORT RELATIVE TO ARLINGTON MEMORIAL AMPHITHEATER

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Military Affairs:



*To the Congress of the United States:*

In compliance with the requirements of the act of Congress of March 4, 1921, I transmit herewith the annual report of the Commission on the Erection of Memorials and Entombment of Bodies in the Arlington Memorial Amphitheater for the fiscal year ended June 30, 1930.

HERBERT HOOVER.

THE WHITE HOUSE, December 4, 1930.

## LAWS OF THE EIGHTH PHILIPPINE LEGISLATURE

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying documents, referred to the Committee on Territories and Insular Affairs:

*To the Congress of the United States:*

As required by section 19 of the act of Congress approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith a set of the laws and resolutions passed by the Eighth Philippine Legislature during its second regular session, from July 16 to November 8, 1929.

HERBERT HOOVER.

THE WHITE HOUSE, December 4, 1930.

## FRANCHISES—PORTO RICAN PUBLIC SERVICE COMMISSION

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Territories and Insular Affairs:

*To the Congress of the United States:*

As required by section 38 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of each of 11 franchises granted by the Public Service Commission of Porto Rico. The franchises are described in the accompanying letter from the Secretary of War transmitting them to me.

HERBERT HOOVER.

THE WHITE HOUSE, December 4, 1930.

## REPORT OF THE GOVERNOR OF PORTO RICO

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Territories and Insular Affairs:

*To the Congress of the United States:*

As required by section 12 of the act of Congress of March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith for the information of the Congress the Thirtieth Annual Report of the Governor of Porto Rico, including reports of the heads of the several departments of the government of Porto Rico and those of the Auditor and the Chief of the Bureau of Commerce and Industry, for the fiscal year ended June 30, 1930.

I concur in the recommendation of the Secretary of War that this report, with the indicated parts of the appendices, be printed as a congressional document.

HERBERT HOOVER.

THE WHITE HOUSE, December 4, 1930.

NOTE.—Report accompanied similar message to the House of Representatives.

## REPORT OF GOVERNOR GENERAL OF THE PHILIPPINES

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Territories and Insular Affairs:

*To the Congress of the United States:*

As required by section 21 of the act of Congress approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith for the information of the Congress the report

of the Governor General of the Philippine Islands, including the reports of the heads of the departments of the Philippine government, for the calendar year 1929.

I concur in the recommendation of the Secretary of War that this report be printed as a congressional document.

HERBERT HOOVER.

THE WHITE HOUSE, December 4, 1930.

NOTE.—Report accompanied similar message to the House of Representatives.

## REPORT OF THE ALASKA RAILROAD

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Territories and Insular Affairs:

*To the Congress of the United States:*

I transmit herewith for the information of the Congress the annual report of the Alaska Railroad for the fiscal year ended June 30, 1930.

HERBERT HOOVER.

THE WHITE HOUSE, December 4, 1930.

NOTE.—Report accompanied similar message to the House of Representatives.

## REPORT OF GOVERNOR OF THE VIRGIN ISLANDS

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Territories and Insular Affairs:

*To the Congress of the United States:*

I transmit herewith for the information of the Congress the annual report of the Governor of the Virgin Islands for the fiscal year 1930.

HERBERT HOOVER.

THE WHITE HOUSE, December 4, 1930.

NOTE.—Report accompanied similar message to the House of Representatives.

## EXECUTIVE MESSAGES REFERRED

The VICE PRESIDENT laid before the Senate sundry executive messages from the President of the United States, which were referred to the appropriate committees.

## ADDRESS BY DR. JULIUS CURTIUS AND LETTER OF DR. NICHOLAS MURRAY BUTLER

Mr. CAPPER. Mr. President, in an address delivered June 21 last in Berlin, and broadcast over the United States, Dr. Julius Curtius, German Minister of Foreign Affairs, delivered to the people of the United States an able and forceful message from the people of Germany. Doctor Curtius spoke for the new Germany, which he points out is committed to peace, to scientific and intellectual progress, to economic development, to a peace, as he says, "secured not by military armaments but by justice, good will, and reciprocal, sincere understanding."

In the interest of good will and sincere reciprocal understanding between our people and the people of Germany, I ask permission to insert in the RECORD the radio address of Doctor Curtius, together with the letter of Dr. Nicholas Murray Butler on the same subject, which I send to the desk.

There being no objection, the address and letter were ordered to be printed in the RECORD, as follows:

## ADDRESS BY DR. JULIUS CURTIUS, GERMAN MINISTER OF FOREIGN AFFAIRS, TO THE PEOPLE OF THE UNITED STATES, JUNE 21, 1930

Ladies and gentlemen, I have spoken to many a large assembly in my life, but I have never had the honor before of addressing so vast an audience as the one to which my esteemed friend his excellency the American ambassador to Germany kindly introduced me to-night. It is awe-inspiring to think that my voice is being carried across the wide ocean to anyone in the United States who may care to "listen in." The earnest endeavors of German and American statesmen to strengthen and deepen the friendly relations between the two countries are furthered in a marvelous manner, indeed, by the progress of science which, through the medium of atmospheric waves, puts our two peoples in ever closer contact with each other.

Personally I have observed and cultivated those relations with particular care and interest for many years. In Heidelberg, my second home town, as well as in Berlin, I have been watching the ever-increasing stream of American travelers. With a large num-



ber of them I freely exchanged views; with many of them I formed bonds of sincere friendship. Fortunately, the outgrowths of war psychosis lost their evil effects between our two countries in a gratifyingly brief time, and, in judging German affairs, truth and justice are rapidly gaining ground in American public opinion.

During my tenure of office as German Minister of Economics I did everything in my power to promote and consolidate the economic relations between Germany and the United States. It is an outstanding feature of these relations that among our erstwhile enemies your country was the first after the expiration of the economic clauses of the treaty of Versailles to offer to Germany a treaty of friendship and commerce. It is another outstanding feature that the United States was one of the few countries which restored the German property, seized during the war, to its rightful owners. Moreover, it was due to the active cooperation of prominent leaders of the American business world that the thorny problem of reparations was put to an appreciable extent on a business basis. But above all, American capital, though well aware of the enormous difficulties facing Germany in its work of reconstruction, has come to our assistance and given new blood to our anemic business life, reciprocating in a way what German capital did for your country in pre-war times.

To complete the picture of the friendly relations between the two nations which, in the last analysis, rest in a large measure on close ties of kinship, I may mention the speedy revival of cultural exchange, the mutual taking part in sporting events, and the close cooperation in the field of technical sciences. It is a matter of sincere gratification to us that more than 100 American delegates are taking part in the Second World Power Conference, which is in session in Berlin just now, to deliberate on more rational uses of the various forms of technical energy; and we felt highly honored by the cordial and encouraging message which President Hoover was pleased to send to the large audience, assisting the so-called "American hour" of the conference last Wednesday. One great achievement of the technical sciences particularly helpful to the intercourse between Germany and the United States is the considerable shortening of the traveling distances between the two countries which we all witnessed these last few years. The American flyers Chamberlin and Levine, whom it was my good fortune to welcome in the name of the German Government upon their arrival at the Tempelhofer Field, and the German flyers Köhl and Hünefeld, as well as our *Graf Zeppelin*, which received your enthusiastic welcome over there, have extended the bounds of human capacity in the air farther than anyone before them.

In view of such close relations, a German Minister of Foreign Affairs speaking to the radio listeners in the United States may count on open ears and open hearts. If Doctor Stresemann had lived, I would to-day be amongst you and thus be able to establish direct personal contact with you. Only a few hours before his tragic death I had suggested to him that this summer I would resign the portfolio of economics in order to take an extensive tour through the United States for the sake of broadening my knowledge of national and world economics. The fate with which Stresemann met shortly afterwards made me his successor in office, and therefore instead of being able to speak face to face to you I have to make use now of the Hertzian waves.

The close financial and economic links between Germany and the United States, briefly referred to, are, indeed, the firm basis of our relations. It must not be forgotten, however, that real mutual understanding between two nations can never rest on anything merely material but can only be created by a common purpose, pointing, beyond the national aims of either, to a higher goal. Fortunately, that community of purpose exists between Germany and the United States.

When several weeks ago your ambassador, Mr. Frederic Moseley Sackett, presented his credentials to President von Hindenburg, he laid stress on the striking similarity of aims of the two nations in the field of international conciliation; and, indeed, it is this similarity, nay, identity, of purpose which, in my opinion, is the strongest of the many links existing between the two countries. The noble endeavor to build the peace of the world on a solid and lasting foundation which the United States has been pursuing for many years and which is voiced again and again in the public utterances of her highest spokesmen, can find nowhere a truer echo and a heartier response than in this country. Germany needs and desires peace—a peace honorable for everybody, a peace secured not by military armaments but by justice and good will and reciprocal sincere understanding. We desire such a peace not as a nation unfit or loath to bear arms. We desire it as men who know how to fight—I myself served at the front for more than four years—but who have come to understand that there are other ways for settling international controversies than by letting inferno loose over humanity. And we have given ample proof of that spirit. The world knows how the German people, although hit incredibly hard by the most unjust of peace treaties, renounced from the beginning every idea of revenge; it knows the great work of conciliation of my much-lamented friend Gustav Stresemann, embodied in the treaties of Locarno; it knows of our active collaboration in all the labors of the League of Nations. Like the United States, Germany is striving to make the world safe from a recurrence of a cataclysm which would without fail put an end to our civilization. And just as there is identity of purpose, so there is identity with regard to the methods to be applied. Mindful of the old proverb that an ounce of prevention is better than a pound of cure, we are less concerned with the question of how a possible violator of the peace ought to be dealt with than with the all-important problem of preventing the out-

break of any armed conflict, the consequences of which nobody is able to foresee. Therefore, we strongly advocate going to the very root of the matter by removing in good time all causes of war. We stand unreservedly for the peaceful settlement of every kind of conflict between states. And having ourselves, in spite of all rumors to the contrary, following the treaty of Versailles, completely disarmed, we strongly insist upon an all-around reduction to the minimum of all military establishments and preparations for war, which are always a potential danger to the peace of the world; for the more guns there are the more readily one will go off accidentally at a critical hour.

I am glad to say that amongst enlightened peoples the idea is steadily gaining ground that after all the relations between civilized states ought to be governed by no other standards than those governing the relations of fellow citizens; that is to say, a voluntarily observed regard for one's neighbor and a general order of conduct by common assent. International relations, with their constantly increasing complexity of national policies at cross purposes, may be likened to the traffic at a central thoroughfare of a large city, where vehicles of every size and speed pass along in half a dozen different directions. Not so long ago every driver used to drive his vehicle pretty much as he saw fit, with the consequence that at times serious collisions and even severe disasters occurred. To-day the traffic is thoroughly organized under detailed regulations, with the result that collisions are of relatively rare occurrence and that violations of the rules as well as complaints of injured parties are promptly dealt with by special traffic boards. In a similar manner measures have been taken of late with regard to the cross-currents in international relations—measures of which we hope that they will become more and more effective. For the declared purpose of preventing clashes between the different vehicles of state, the covenant of the League of Nations made it obligatory for member states to submit all their controversies to the League Council. Moreover, a vast amount of bilateral or multilateral treaties, obliging the contracting parties to submit all disputes of every kind arising between them to specified procedures of arbitration have been concluded. And quite recently in the pact of Paris all the civilized states have signed the solemn pledge to renounce war as a means of national policy and to settle their controversies by peaceful means only. All these undertakings are a kind of traffic regulation for vehicles of state, big or small, to safeguard anyone from being rammed or bumped into by another with detrimental effect for himself and the whole traffic. And, to complete the simile, certain magistrates, like the League Council, have been set up to act as traffic policemen, entitled to call any reckless driver to order, while others, like the World Court, play the rôle of traffic boards to deal with complaints and claims of one vehicle against another.

And now a new attempt is to be made in Germany under the motto: "If you want peace, organize for peace!" Its purpose will be to study all the possibilities of promoting international understanding and extending peaceful intercourse, with a view to educate the world, so to say, to the traffic rules of international relations. We have long been planning to start a new and modern sort of academy, hitherto unknown but badly needed in our times—a peace academy. In the same manner as the war academies were to study the most effective ways of conducting war, our peace academy is to study the best ways and the most efficient means of securing peace. And because nothing but this was the high aim of Gustav Stresemann, our great untiring fighter for international conciliation, we have had for some time already the idea to found such a peace academy as a Stresemann memorial. In cooperation with the Court of International Justice in The Hague and the Institute for the Scientific Study of International Relations in Geneva and similar institutions abroad, the peace academy will have a threefold task to accomplish: First, the publishing of international research work in various languages, that is to say, of scientific investigations into the possibilities of organizing a just and peaceful order in international politics, for example, of developing the pact of Paris; secondly, educational work, which would consist in teaching this—if I may so call it—"peace science" to students and officials in special courses at universities and other high institutions of learning; thirdly, propaganda work, to spread amongst the largest public the various conceptions of world peace, especially by arranging international conferences, where broad-minded people of good will and vision thoroughly discuss the big problems of peaceful international development and thus prepare and facilitate the work of the politicians.

When Dr. Nicholas Murray Butler, president of the Carnegie Endowment for International Peace, who, as you all know, played such a conspicuous rôle in the origin of the pact of Paris for the outlawry of war, was in Berlin some weeks ago I made use of the occasion to discuss this, our idea, with him, and I am glad to be able to say that it found his whole-hearted approval. Doctor Butler has undertaken to form an American committee that will give every possible assistance to the Stresemann endowment.

As I recently pointed out at Geneva, the great common aims of the civilized world can be realized only by incessant and well-organized effort. We are living in an era of rapid development, in a period of evolution in all spheres of life. Everywhere strong forces spring up which are working through new channels for a better future. It behooves the leaders among men to utilize these forces, and, by developing them on the firm basis of the valuable traditions of the past, to lead humanity to its new goal.

I sincerely hope, ladies and gentlemen, that in this respect the future peace academy may prove to be an important forum, materially contributing to the promoting and deepening of international understanding. For centuries war was organized to



ever higher perfection. Now it is time to organize peace to the highest perfection. For centuries our two nations have often been engaged in hard and horrible wars and have always, up to the end of the World War, proved that they know how to fight. Now let us keep this grand tradition of warriors and fight shoulder to shoulder against the common enemy, war. We are going to conquer peace and we shall not rest until we have got it—just, firm, and unshakable.

MEMORIAL TO GUSTAV STRESEMANN—WE SHOULD COOPERATE IN GERMAN FOREIGN MINISTER'S PEACE PLANS

(Published in the New York Times, June 26, 1930)

To the EDITOR OF THE NEW YORK TIMES:

The appeal made to the people of the United States by Doctor Curtius, the broad-minded and progressive statesman who has succeeded Doctor Stresemann as German Foreign Minister, which was reported in the Times of June 22, is the most important happening in the field of international relations since M. Briand made to us his now famous appeal of April 6, 1927, which resulted in the pact of Paris to renounce war as an instrument of national policy.

Doctor Curtius speaks for the new Germany, which is committed to peace, to economic development, to scientific and intellectual progress, and to increasingly close international relations not only with her neighbors in Europe but with the world. Germany may be counted on with perfect confidence to be one of the strongest and most eager supporters of M. Briand's plan for a closer union of the peoples and governments of Europe.

In his address to the people of the United States, Doctor Curtius committed Germany to "a peace secured not by military armaments but by justice, good will, and reciprocal, sincere understanding. We desire such a peace," he said, "not as a nation unfit or loath to bear arms. We desire it as men who know how to fight—I myself served at the front for more than four years—but who have come to understand that there are other ways for settling international controversies than by letting an inferno loose over humanity."

These are splendid and epoch-marking words. Doctor Curtius gives them new strength and new application by adding: "We stand unreservedly for the peaceful settlement of every kind of conflict between states. And having ourselves, in spite of all rumors to the contrary, completely disarmed, following the treaty of Versailles, we strongly insist upon an all-round reduction to the minimum of all military establishments and preparations for war, which are always a potential danger to the peace of the world."

Not only so, but Doctor Curtius proposes to prepare for a peaceful world by studying the bases of peace, the methods of peace, the institutions of peace. To this end there will be founded in Berlin as a memorial to the late Doctor Stresemann an academy of peace, the like of which has not heretofore been seen in this world. This academy will have the threefold task of publishing international research work in various languages, of making scientific investigation into the ways and means of organizing a just and peaceful order of international politics, and of the education of public opinion through the press, the universities, and other institutions of learning.

In this great enterprise Doctor Curtius invites the cooperation of the American people, and that he should have it quickly and generously goes without saying. It is understood that M. Briand in France and Prime Minister Ramsay MacDonald in Great Britain have given their cordial approval to this new undertaking in Berlin, which will start under the best possible auspices and at a most fortunate moment in the history of the modern world. It is no small pleasure and satisfaction to commend this undertaking most earnestly to the American people and to ask for it their cordial sympathy and support.

France spoke her intention to walk the path of peace by the voice of M. Briand on April 6, 1927, and now Germany adds her potent and significant voice to the same end for the same high purpose on June 21, 1930. Surely the world is rapidly moving on toward a new and higher plane of international morals and international cooperation.

NICHOLAS MURRAY BUTLER.

New York, June 24, 1930.

MOTOR-BUS TRANSPORTATION

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

The VICE PRESIDENT. The clerk will state the pending amendment.

The CHIEF CLERK. The Senator from Wisconsin [Mr. BLAINE] offers the following amendment: On page 26, strike out all of line 23, after the semicolon, and all of lines 24 and 25, and in lieu thereof insert:

And notwithstanding the provisions of this act and any provision of the Federal highway act, the laws enacted by any State and the regulations thereunder that relate to the maintenance, protection, safety, or use of the highways therein, and which

laws and regulations thereunder are made equally applicable to intrastate and interstate commerce or use of such highways, shall not be deemed to be a burden upon or an obstruction or impediment to interstate commerce, and the power to enact such laws and promulgate regulations thereunder is hereby expressly reserved to the respective States under their police powers.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	George	King	Shortridge
Barkley	Gillett	La Follette	Simmons
Bingham	Glass	McGill	Smith
Black	Glenn	McKellar	Smoot
Blaine	Goff	McMaster	Stelwer
Blease	Goldsborough	McNary	Stephens
Borah	Gould	Morrow	Swanson
Brock	Greene	Moses	Thomas, Idaho
Brookhart	Hale	Norbeck	Thomas, Okla.
Broussard	Harris	Norris	Townsend
Bulkley	Harrison	Oddie	Trammell
Capper	Hastings	Overman	Tydings
Caraway	Hatfield	Patterson	Vandenberg
Carey	Hawes	Phipps	Wagner
Connally	Hayden	Pine	Walcott
Copeland	Hebert	Pittman	Walsh, Mass.
Couzens	Heflin	Ransdell	Walsh, Mont.
Cutting	Howell	Reed	Waterman
Davis	Johnson	Robinson, Ark.	Watson
Deneen	Jones	Robinson, Ind.	Wheeler
Fess	Kean	Schall	Williamson
Fletcher	Kendrick	Sheppard	
Frazier	Keyes	Shipstead	

Mr. FRAZIER. I wish to announce that the Senator from North Dakota [Mr. Nye], the Senator from Vermont [Mr. DALE], and the Senator from Washington [Mr. DILL], are absent on business of the Senate. I ask that this announcement may stand for the day.

Mr. SHEPPARD. I wish to announce that the junior Senator from Washington [Mr. DILL] is necessarily detained from the Senate on official business.

The VICE PRESIDENT. Ninety Senators have answered to their names. A quorum is present. The pending amendment will be again read.

The Chief Clerk again read Mr. BLAINE's amendment.

Mr. COUZENS. Mr. President, I have talked with the Senator from Wisconsin [Mr. BLAINE] about the language of his amendment. There seems to be some difference of opinion as to the interpretation of the language of the bill and of his proposed amendment. I would like to see the amendment adopted by the Senate and then let us see if we can straighten it out in conference. There does not seem to be much difference except in one or two small particulars between the language of the bill as it was passed by the House and the language of the amendment proposed by the Senator from Wisconsin.

INCREASE OF STEEL PRICES

Mr. NORRIS. Mr. President, I want to take this opportunity to call attention to a news item appearing to-day in the New York Times. On the first page of to-day's New York Times there is an article in regard to the increase in the price of steel products. The headlines are:

Steel price raised to stimulate trade. Action by the leading makers spreads quickly in industry. Other advances predicted. Increase equals \$1 a ton, but it is still about \$5 below year ago. End of slashing is forecast.

Mr. President, regardless of how we disagree on very many political and economic questions, I believe we are all agreed that whatever can be done ought to be done and will be done to relieve the unemployment with which our country is faced, and the distress that comes from such unemployment. We have begun a very much enlarged building program for the Government of the United States. The President and his various committees have been urging men in all walks of life to go ahead with building operations and proceed with other construction work that may be needed within the next two or three years, but to do it now in order to give present employment to labor.

It follows that this program, whatever may be the result of it, to the extent that it is successful—and everybody wants it to be successful—will consume vast amounts of steel products. In the Government program of building opera-



tions alone there will be many million dollars from the Federal Treasury expended for various kinds of steel products which are used in modern buildings.

In the face of this patriotic move, which everybody wishes to help and to push along, we are faced with the announcement that the great steel combinations, the great steel corporations, commencing with the United States Steel and running all the way down through the entire list, have agreed upon an increase that amounts to more than \$1 a ton in the price of their products. On the face of it, it looks to me as though such an agreement is a violation of the antitrust laws. I hope the Department of Justice will take notice of it, and that the country will realize that the steel companies are facing this patriotic move to help those who are suffering by announcing that they have arbitrarily agreed among themselves that they will increase by \$1 a ton all the steel that goes into all the buildings constructed by the Government, as well as into privately constructed buildings and structures of the railroads and of the public utilities and all other kinds of buildings, by the work on which employment might be given to some of the millions of men who on the eve of winter are suffering for the necessities of life because they are not able to get employment.

Let me read from the President's message. He says:

The third direction of cooperation has been to maintain and even extend construction work and betterments in anticipation of the future. It has been the universal experience in previous depressions that public works and private construction have fallen off rapidly with the general tide of depression. On this occasion, however, the increased authorization and generous appropriations by the Congress and the action of States and municipalities have resulted in the expansion of public construction to an amount even above that in the most prosperous years. In addition the cooperation of public utilities, railways, and other large organizations has been generously given in construction and betterment work in anticipation of future need. The Department of Commerce advises me that as a result, the volume of this type of construction work, which amounted to roughly \$6,300,000,000 in 1929, instead of decreasing will show a total of about \$7,000,000,000 for 1930.

Showing, Mr. President, that on account of appropriations made by Congress governmental agencies are going ahead with construction work, because the Government knows it is going to need buildings in the future, although in the immediate future they may not be necessary, all for the purpose of alleviating the terrible conditions that confront the country.

In the face of that campaign to increase building operations we are met by a combination of steel corporations which say, "We are going to cooperate in this great patriotic movement to help unemployment by increasing by \$1 a ton the price of our output. In another place in his message the President says:

The world-wide depression has affected agriculture in common with all other industries. The average price of farm produce has fallen to about 80 per cent of the levels of 1928.

So, while the price which the farmer receives for the food which he produces, which nourishes and keeps the world alive, has gone down 20 per cent, we are having this great combination of the largest corporations in the country, and indeed in the world, which agree that they will show their patriotic feeling in this great movement by increasing the price of their product \$1 a ton.

The President says in another place:

In order that the Government may meet its full obligation toward our countrymen in distress through no fault of their own, I recommend that an appropriation should be made to the Department of Agriculture to be loaned for the purpose of seed and feed for animals. Its application should, as hitherto in such loans, be limited to a gross amount to any one individual and secured upon the crop.

While we are asked—and rightly, too, I think—to appropriate from the taxpayers' funds in the Treasury money to buy seed for stricken agriculture in various portions of our country—loaning it, taking a mortgage upon the crop, so that the toiling farmer will be compelled, of course, to pay it back—this great move is made on the other side of the fence by a combination of steel companies covering the entire United States, which say that their patriotism, their idea of helping the unemployed and the farmers in distress

is to increase the price of a necessary article that goes into the construction of every railroad, every public-utility institution, and every public building and most of the private buildings in the United States.

Mr. WALSH of Massachusetts. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. NORRIS. I yield to the Senator.

Mr. WALSH of Massachusetts. My reaction to the news article the Senator has read was very similar to that expressed by him. I note that the original story emanated from Wall Street, but following the Wall Street story is the headline "Youngstown Follows Suit."

Mr. NORRIS. Yes; and the Illinois Steel Co. also.

Mr. WALSH of Massachusetts. And following that press dispatch are the words "Illinois Steel acts quickly."

Mr. NORRIS. Yes.

Mr. WALSH of Massachusetts. It seems to me the facts make out a possible case of a conspiracy to fix prices at a time when it may be detrimental to the public interest to do so. It certainly is a precedent for all other large producers to get together to increase prices.

I should like to inquire of the Senator if, as chairman of the Judiciary Committee of the Senate, he and his committee should not undertake a preliminary investigation into the matter which he is discussing, with the idea of finding out to what extent there was an understanding between all the steel companies of the country to increase their prices and the effect such action would be likely to have upon the restoration of general prosperity in the country?

Mr. NORRIS. Mr. President, I am assuming that the Department of Justice will take cognizance of this matter. It has the machinery, and I think it has the law. I shall refer a little later on and call attention in more detail to the dispatches to which the Senator has referred; but the steel companies are publicly and defiantly announcing in effect that they have agreed to raise prices. Their agreement is perfectly apparent, although it shows that the largest steel company fixed the prices at \$1 in advance, and immediately, the same day, almost the same hour, every other steel company followed suit. Of course, they may say that that is just a coincidence, but it is a coincidence of which the Department of Justice and the courts of the country ought to take notice.

Mr. KING. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I will yield in just a moment. The President, after referring to loaning money to the farmers for seed in their distress, says:

The Red Cross can relieve the cases of individual distress by the sympathetic assistance of our people.

I suggest to the President that when he reads this article as to what the steel companies are doing in helping carry out this great program of justice, and perhaps of mercy in some instances, he send another message or make a recommendation to the Red Cross that if the steel companies will refrain from increasing their prices in this hour of distress the Red Cross will relieve the distress, perhaps, of the steel companies and help them out, rather than to see them suffer, if they must get along without increasing their prices.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks the dispatch referred to in the New York Times of December 4, commencing on the first page and ending on page 4.

The VICE PRESIDENT. Without objection, it is so ordered.

The article referred to is as follows:

[From New York Times of December 4, 1930]

STEEL PRICE RAISED TO STIMULATE TRADE—ACTION BY THE LEADING MAKERS SPREADS QUICKLY IN INDUSTRY—OTHER ADVANCES PREDICTED—INCREASE EQUALS \$1 A TON—BUT IT IS STILL ABOUT \$5 BELOW YEAR AGO—END OF SLASHING IS FORECAST

Higher steel prices, discussed for some time in Wall Street as the development most needed to instill confidence in business and industry, were posted yesterday by the United States Steel Corporation, the Bethlehem Steel Corporation, and other important producers.



The initial increase of \$1 a ton on principal finished products was announced first by the Carnegie Steel Co., a subsidiary of United States Steel, and its example was promptly followed elsewhere in the industry. The new prices are for business booked for delivery in the first quarter of 1931. They apply specifically to plates, shapes, and bars, the products most widely used, and there are indications that prices on certain other steel products will be stiffened soon.

Carnegie Steel's advance was announced in Pittsburgh and confirmed here at the headquarters of the United States Steel Corporation. Bethlehem Steel, the second largest producer in the country, met the increase almost immediately.

#### MOVEMENT SPREADS RAPIDLY

News came from large producing centers in the Middle West soon thereafter that corresponding increases were being put into effect. The Illinois Steel Co., also a subsidiary of United States Steel, took the initiative in the Chicago district, as Carnegie Steel did in the Pittsburgh district. It also was reported from Chicago that the Inland Steel Co., one of the most important independents, planned an increase of from \$1 to \$2 a ton on bars, shapes, and plates for first-quarter delivery. Other producers, if they did not post increases yesterday, will do so to-day, it is understood. The increase will become general throughout the industry by the end of the week, it is expected.

The new prices vary according to the location of the producers, but they amount, roughly, to \$1 a ton everywhere. In Pittsburgh, for example, the price on plates, shapes, and bars is advanced to \$1.65 per 100 pounds, against \$1.60 at present. The new price in Chicago for first-quarter delivery will be \$1.75, against \$1.70.

These, of course, are minimum prices and simply represent the first move in a program to stabilize the price situation in the steel industry. Some of the largest producers, including Carnegie Steel, had already fixed minimum prices of \$1.60 on 100 pounds in Pittsburgh as well as elsewhere. Nearly all of the important steel interests are of the opinion, it is understood, that the new prices can be maintained without any difficulty, since large consumers as well as producers appreciate the desirability of a profitable price basis for the steel industry.

#### NO CHANGE IN RAIL PRICES

There is no talk of higher prices on steel rails, but the present schedule, which has been in effect several years, will be maintained in spite of the reported insistence in certain quarters that concessions be made. Extensive buying of rails by the large carriers is said to have been delayed, but such orders, it is believed, will be placed soon. Current railroad purchases and inquiries are said to involve a total of 650,000 tons, to be distributed among the various rail makers. The New York Central, the Pennsylvania, and other large carriers are among the rail buyers depended upon to furnish a large volume of business soon.

The advance in the price of bars, plates, and shapes was definitely forecast last week. At that time it was learned from some of the most influential steel executives that they were determined to bring prices more nearly into line with production costs. At the same time it became known that some of the independent producers who were regarded as the worst offenders in price shading some time ago had become convinced that price stabilization was necessary. In some quarters it was hinted that if higher prices were not put into effect it might become necessary to reduce wages. Some of the largest companies, including United States Steel, are not expected to earn dividends on common stock in the last three months of 1930.

The present slack conditions in the industry are due in large part to previous price uncertainties, it is contended. It has always been the experience of steel producers that consumers delayed purchases as long as there was a prospect of lower prices, whereas any firmness in the price structure tends to encourage buying. The current low operating rate of the industry is traceable to a considerable extent to the lack of price stability. Some of the leading producers have publicly blamed the ills of the industry on price cutting, which was quite widespread a short time ago.

#### NEW PRICES FAR BELOW YEAR AGO

The prices posted yesterday for first-quarter delivery are far from what most steel producers regard as a satisfactory basis. In this connection it is pointed out that the new prices are really about \$5 a ton less than they were at the beginning of 1930. The prevailing official prices at that time were \$1.90 on 100 pounds, Pittsburgh. Price shading was already under way at that time.

If effect be given to the shading of official quotations which was being practiced a short time ago, the increase announced yesterday amounts to considerably more than \$1 a ton. According to steel authorities, the new prices will represent an increase of between \$2 and \$4 a ton in the earnings of producers, depending upon how cheaply these producers can make steel. In other words, the new prices are from \$2 to \$4 higher than the levels at which some steel interests have been known to sell steel recently in underbidding competitors.

Wall Street anticipates that steel, as in the past, will prove a reliable business barometer; and if it does, the present price increase may foreshadow a gradual recovery in business, according to views expressed yesterday. It is recalled that in the past price stabilization in the steel industry has been followed by widespread business improvement. This has been particularly true, it is remembered, where the establishment of minimum prices was followed by a definite price advance.

Mr. NORRIS. Mr. President, I want now to call attention in a little more detail to what the Senator from Massachusetts referred to. Immediately following the article which I have inserted in the RECORD comes this one:

#### YOUNGSTOWN FOLLOWS SUIT—STEEL INTERESTS IN DISTRICT EXPECT RISE ON OTHER ITEMS

YOUNGSTOWN, OHIO, December 3.—The Youngstown Sheet & Tube Co., Republic Steel Corporation, and other district interests will adhere to the new quotations on bars, plates, and shapes announced to-day by Carnegie Steel and Bethlehem Steel, representing an advance of \$1 a ton.

This action is seen as a forerunner to similar advances in other rolled steel lines and follows efforts of the leading interests to strengthen the market. It is expected that price increases will spread to pipe, sheets, strips, pig iron, and all forms of finished products.

It is considered unlikely that semifinished steel prices will be changed, as there has been considerable resistance to the \$31 a ton market on sheet bars, slabs, and billets. However, makers have been able to resist such pressure and the semifinished market has remained firm, while rolled steel lines have been subject to fluctuations downward.

Then follows the next dispatch:

#### ILLINOIS STEEL ACTS QUICKLY—ANNOUNCES PRICE RISE AFTER CARNEGIE'S ADVANCE

CHICAGO, December 3.—In the face of the lowest rate of ingot output in years steel producers have raised prices \$1 a ton on first-quarter delivery of shapes, plates, and bars.

Notice that, Senators, while ingot output—which, I take it, is in reality the raw product of finished steel—is lower than it ever has been they have raised the price of the finished product \$1 a ton.

I ask leave to insert the remainder of the article as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Carnegie Steel, subsidiary of the United States Steel Corporation, took the lead in making a price of \$1.65 for 100 pounds the minimum. Illinois Steel, on the basis of a base price of \$1.65 at Pittsburgh, is increasing its prices to \$1.75, a similar \$1-a-ton advance.

E. J. Buffington, president of the Illinois Steel Co., director of United States Steel and veteran of the middle-western steel industry, has believed for some weeks that the steel industry was near bottom and that advances were more to be anticipated than recessions.

Mr. NORRIS. Mr. President, it seemed that the country was about to enjoy a united effort on the part of everybody to restore prosperity; that all interests, regardless of politics and economic belief, were going to unite to try to relieve the distress that has come to us on account of the vast amount of unemployment that exists. Yet on the eve of a time when it is generally understood that we are going to require a larger amount of steel, as the President says in his message, than we have required in any other year, when the output of the great and rich steel mills of the country is going to be larger than it was in the preceding year, we are met face to face with the fact that, although ingots are lower than they ever were, the price of the finished product is going to be made \$1 a ton higher!

That ought to appeal to the patriotic people of the United States, and ought to remind us that sometimes even the great and powerful steel corporations, when they want to participate in a great campaign to help the distressed, do it by first wrapping the American flag about themselves and then proclaiming their patriotism from the housetops, while they meet together and make an agreement—which seems on the face of it to be in violation of law—by which they will mulct the public and make a profit out of the sufferings of those who are trying to get employment and are unable to do so.

Mr. KING. Mr. President, in view of the statement just made by the able Senator from Nebraska [Mr. NORRIS], and the question submitted by the Senator from Massachusetts [Mr. WALSH], I desire to state that I have submitted a resolution which authorizes the Committee on the Judiciary, or any duly authorized subcommittee thereof, to conduct a thorough investigation for the purpose of determining whether it is desirable or necessary (a) to strengthen and



extend the provisions of the antitrust laws, or (b) to modify any of the provisions of such laws. The committee is directed to report to the Senate as soon as practicable the results of its investigation, together with its recommendations, if any, for necessary legislation.

The remaining part of the resolution is in the usual form, authorizing the appointment of a subcommittee and providing for the subpoenaing of witnesses. The resolution calls for an appropriation of not to exceed \$5,000 for the purpose of making the investigation.

The remarks of the Senator from Nebraska are timely and challenge the attention of Senators to the fact that the economic and industrial depression through which we are passing apparently has not weakened the movement which has for its object the strengthening of monopolies and trusts and the control of the economic life of the people by giant corporations—industrial and financial. There are many who believe that the present deplorable situation is largely due to the operation of trusts and industrial organizations. There are many who believe that the era of individualism is over; that the man of limited means may not succeed in business enterprises; and that giant organizations are to further consolidate the business activities of our country and draw to themselves the economic and financial resources of our country.

The press a few days ago carried the news that the rayon and silk interests of the United States and other countries were seeking to form an international cartel obviously for the purpose of controlling production and fixing prices. If the reports contained in the press are correct, it would appear that the projected scheme, if carried into effect, would violate the antitrust laws of the United States. It is unfortunate, as I view the situation, that in this democratic country there should be economic and industrial policies destructive of a proper individualism and under the operation of which the genius and enterprise of the great mass of the people are weakened and, indeed, seriously affected.

Speaking generally, monopolies are incompatible with what might be called industrial democracy and that intrepid and fine individualism essential to the development and maintenance of democratic institutions and political freedom. If the industries of our country are controlled by monopolistic organizations, it is certain that extortionate prices will be exacted and economic servitude will ultimately result. Centralization of industry in the hands of a few is an evil, the effects of which will prove disastrous. If consolidations and mergers continue, it is certain that in the not far distant future an intolerable situation will develop that will result in demands for Federal control of much of the business and industrial life of the people.

The interstate commerce provision of the Federal Constitution, if not other provisions, will be invoked in support of Federal legislation for the control not alone of public utilities but of what has been universally regarded as private enterprises. Several years ago, as I recall, a Republican President advocated that all corporations engaged in interstate commerce should obtain Federal charters; that there should be a Federal corporation act requiring that all corporations engaged in interstate commerce should submit to some form of Federal control and regulation. I should regret to see a situation so menacing and dangerous as to justify legislation of the character indicated, and the adoption of a policy which would be so much at variance with the policies of the past under which our country has been developed. However, if trusts and monopolies and conspiracies in restraint of trade are permitted to exist and to pursue a destructive and devastating course, then I fear that an irresistible demand will be made that the Federal Government take control of corporations and organizations engaged in interstate commerce. It seems to me that the business interests of our country should be warned by the growing fear of trusts and monopolies and the resentments that are being aroused against mergers and consolidations which seek to bring within the powerful grasp of a limited number of individuals and corporations the economic and industrial resources of our country.

Mr. President, I hope that the Committee on the Judiciary will make a searching investigation under the resolution which I have offered, with a view to determining whether or not the antitrust laws should be strengthened. In my opinion, as they have been interpreted by the courts, they should be strengthened and their provisions enlarged so as to make more effective any efforts that may be made to prevent further monopolistic development in the business activities of our country.

#### MOTOR-BUS TRANSPORTATION

The Senate resumed the consideration of the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. BLAINE].

The amendment was agreed to.

The VICE PRESIDENT. The bill is open to further amendment. If there be no further amendment, the question is on the engrossment of the amendments and third reading of the bill.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ashurst	George	King	Shortridge
Barkley	Gillett	La Follette	Simmons
Bingham	Glass	McGill	Smith
Black	Glenn	McKellar	Smoot
Blaine	Goff	McMaster	Stelwer
Blease	Goldsborough	McNary	Stephens
Borah	Gould	Morrow	Swanson
Brock	Greene	Moses	Thomas, Idaho
Brookhart	Hale	Norbeck	Thomas, Okla.
Broussard	Harris	Norris	Townsend
Bulkeley	Harrison	Oddie	Trammell
Capper	Hastings	Overman	Tydings
Caraway	Hatfield	Patterson	Vandenberg
Carey	Hawes	Phipps	Wagner
Connally	Hayden	Pine	Walcott
Copeland	Hebert	Pittman	Walsh, Mass.
Couzens	Heflin	Ransdell	Walsh, Mont.
Cutting	Howell	Reed	Waterman
Davis	Johnson	Robinson, Ark.	Watson
Deneen	Jones	Robinson, Ind.	Wheeler
Fess	Kean	Schall	Williamson
Fletcher	Kendrick	Sheppard	
Frazier	Keyes	Shipstead	

The VICE PRESIDENT. Ninety Senators have answered to their names. A quorum is present.

Mr. BORAH and Mr. SMITH addressed the Chair.

The VICE PRESIDENT. The Senator from Idaho.

Mr. BORAH. I wanted to make a request. If the Senator from South Carolina desires to discuss the matter, I will not do so.

Mr. SMITH. No; I just wanted to make a motion with reference to the pending measure. If the Senator wants to discuss it, I will wait, of course.

Mr. BORAH. I will listen to the Senator's motion.

Mr. SMITH. Mr. President, in view of the importance of this measure—and I am sure a large percentage of the Senators have not given it the attention that it deserves—I move to recommit the bill to the Committee on Interstate Commerce for further consideration.

Mr. HEFLIN. On that motion I call for the yeas and nays.

Mr. BORAH. Mr. President, before that motion is voted upon I should like to have the Senator from Michigan [Mr. Couzens] or some other Senator who is very familiar with the bill make a statement as to the object and purpose of the bill. We have come in here and are considering it at this particular session without very much discussion. It is true that when we left here last summer the bill was on the calendar, and it is also true that there had been some discussion of it; but the purport of the bill is not very clear in my mind, and I should like to have a statement on the subject before I vote upon the motion of the Senator from South Carolina, if the Senator from Michigan is willing to make it.



Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Idaho yield to me?

Mr. BORAH. I yield.

Mr. ROBINSON of Arkansas. That statement, in my judgment, should comprehend the amendments which have been adopted, so that we would understand the bill as it is now presented to the Senate.

Mr. COUZENS. Mr. President, a parliamentary inquiry. Is the motion of the Senator from South Carolina debatable?

The VICE PRESIDENT. It is.

Mr. COUZENS. During the last session of Congress there was considerable debate on the bill. There appeared at that time to be three viewpoints as to the bill and as to how it should operate.

As the bill came from the House, it provided that every prospective operator of a motor-bus line must apply to the Interstate Commerce Commission for a certificate of public convenience and necessity. It is true that it contained what is called a grandfather clause, which provided substantially that those who, on the date of the passage of the bill, were operating, would not be required to make an application for a certificate of convenience and necessity, but would have 90 days in which to make a showing before the commission that they were competent to operate a line, that they would maintain schedules and would maintain routes and maintain equipment for the safety of the public.

When the bill came to the Senate and went to the Committee on Interstate Commerce, the committee gave long consideration to it, and there was a division of opinion in the committee. Some of the committee thought that the bill as it came from the House was all right; that every applicant for a permit to operate should be required to give a certificate of public convenience and necessity.

There was another group in the committee which thought that there should be no certificate of public convenience and necessity required under any circumstances; that every applicant for permission to run a bus line should be required only to assure the commission that they were financially competent to operate a schedule, to maintain their busses in the interest of the safety of the riding public, and would be able to pay damages in case of accident. In other words, there was to be no question about the proposed operation being necessary for public convenience.

There was another group in the committee which thought that competition should be maintained, that unless there were two bus lines operating between two points, it should be mandatory on the commission to issue a certificate if the applicant complied with all the rules and regulations of the commission.

That view prevailed in the committee. In other words, the committee reported the bill out containing a provision, as found on page 15, line 7, of the print I have, in the form of instructions to the Interstate Commerce Commission that unless there was competition between the two points, the commission would be required—in other words, it would be mandatory upon the commission—to grant a certificate if the applicant complied with all the safety and other regulations promulgated by the commission. That is the form in which the bill came to the Senate.

The Senator from Illinois [Mr. GLENN] offered an amendment, which was proposed to take the place of the committee amendment, and this is what the amendment of the Senator from Illinois provided:

(f) If, upon consideration of any application for a certificate of public convenience and necessity, it appears that there is inadequate service by a common carrier by motor vehicle, in whole or in part, upon the route and/or between the fixed termini covered by the proposed operations, then the absence of such adequate service shall be sufficient evidence that the public convenience and necessity will be served by the whole or that part of the proposed operations with respect to which such absence of adequate service exists; and a certificate shall be issued accordingly if the applicant is qualified to comply with the requirements, rules, and regulations of the commission for such service. For the purposes of this section service shall not be deemed to be adequate unless there is sufficient operation of motor-vehicle equipment by a common carrier by motor vehicle over the proposed route to meet all reasonable public demand for motor-vehicle transportation.

This amendment was adopted in the Senate to take the place of the committee amendment, the vote being 33 yeas and 22 nays. The vote was taken on July 2. So, as the bill stands, the Glenn amendment has taken the place of the committee amendment.

The other requirements of the bill are generally those provided for the regulation of railroads, except that the Interstate Commerce Commission does not fix the rates. The Interstate Commerce Commission assures itself that the rates are reasonable.

Mr. ROBINSON of Arkansas. Mr. President—

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Michigan yield to the Senator from Arkansas?

Mr. COUZENS. I yield.

Mr. ROBINSON of Arkansas. Before passing from the provision the Senator has just been discussing, will he say how long, in his opinion, usually will be required for the commission to determine an application for convenience and necessity? In that connection may I be permitted to state that in one instance relating to a railroad, within my knowledge, where such a certificate was sought for the construction of a railroad 8 miles in length into a coal field, some 15 months elapsed from the time of the filing of the application before its determination. It seems to me that if there is assurance that these applications can be determined with reasonable promptness it would strengthen the support of this feature of the bill.

Mr. COUZENS. In that connection I may say that there is a provision in the bill for setting up local boards, which is new legislation, so far as I know, under which if there is a question as to public convenience and necessity for a bus line between two States, the commission may permit the States to appoint a local board, made up of one member from the public-utilities commission of each State. If there be no public-utilities commission within any one of the States, the governor would have the right to make the appointment. The question involved is submitted to that local board, and if a majority of that board agrees that a certificate should be entered, or that a certain permit should be granted, it becomes mandatory upon the Interstate Commerce Commission to grant it.

That is an idea presented for the purpose of reserving to the States, as nearly as is humanly possible, State rights, the right to regulate the conditions in the several States. It seems to me that that is an assurance that these matters will be dealt with expeditiously.

Mr. SIMMONS. Mr. President, will the Senator yield to me?

Mr. COUZENS. I yield.

Mr. SIMMONS. If the so-called Glenn amendment, to which the Senator referred a few moments ago, is adopted, is it the Senator's opinion that if there were only one line, and that line were giving adequate service, in the sense that it provided for all the traffic, there could not then be issued a certificate of public convenience and necessity for a competing line?

Mr. COUZENS. Those are the instructions to the Interstate Commerce Commission, that if there is such a line in existence giving adequate service, it may not grant another license.

Mr. SIMMONS. It is discretionary whether they will grant another license for another company to operate in competition?

Mr. COUZENS. That is correct.

Mr. SIMMONS. So that it leaves the commission the power to determine whether there shall be any competition on that particular route?

Mr. COUZENS. That is correct. If it finds that the service is adequate for all public needs, it may not grant another license.

Mr. BORAH. Mr. President, will the Senator yield to me?

Mr. COUZENS. I yield.

Mr. BORAH. The sole question which, under this amendment, they would have to determine, would be whether or not there was adequate service?

Mr. COUZENS. That is correct.



Mr. BORAH. And that is to be finally and conclusively determined by the commission?

Mr. COUZENS. That is correct.

Mr. BORAH. There would be no appeal from their decision?

Mr. COUZENS. I know of no provision for an appeal from it, unless under the general statutes there would be a right to appeal to some court. I do not know of any such right, any more than there is in the matter of building a competing railroad line.

Mr. KING. Mr. President, will the Senator yield to me?

Mr. COUZENS. I yield.

Mr. KING. Apropos of the statement made by the Senator a moment ago—and I am asking for information—I invite the Senator's attention to paragraph (d) of the bill, found on page 8, where it is provided that—

The commission shall, when operations of common carriers by motor vehicle conducted or proposed to be conducted involve not more than three States, and the commission may, in its discretion, when operations of common carriers by motor vehicle conducted or proposed to be conducted involve more than three States, refer to a joint board for hearing.

I was wondering why, when there were only three, a certain policy was to be pursued, but when the motor bus was to operate through more than three States an entirely different policy was to be pursued. I was wondering why, when motor busses operate as they do, from the Atlantic to the Pacific, the question as to whether there was any necessity should be restricted to the consideration of three States instead of to be decided by all the States through which the line operates.

Mr. COUZENS. I think the Senator will understand that if all the States are involved, or the number of States through which a coast-to-coast bus line would operate, it would not be practical to have representatives from all the States from coast to coast to determine the matter. In other words, it would then become more than an issue between two or three States; it would become a national issue, and the determination would properly belong to the Interstate Commerce Commission, without reference to the individual States.

Mr. BORAH. Mr. President, coming back to the amendment of the Senator from Illinois again, suppose the commission should determine that there was adequate service and refuse to grant a certificate for additional service. Then who would fix the rates?

Mr. COUZENS. The Interstate Commerce Commission will fix the rates if they are unreasonable. There are no absolute provisions for the fixing of rates. They must be reasonable. Anyone may protest to the commission, and the commission may order the rates reduced. In other words, it is the same policy that was followed in the regulation of the railroads when the railroad regulatory act was first passed.

Mr. BORAH. It would follow, then, that if the commission should find that a rate was not reasonable the only thing to do would be for the bus line again to fix a rate itself.

Mr. COUZENS. Yes.

Mr. BORAH. And the commission would again pass upon the question of whether the rate was reasonable or not.

Mr. COUZENS. It might.

Mr. GLENN, Mr. ROBINSON of Arkansas, and Mr. GOFF addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Michigan yield; and if so, to whom?

Mr. COUZENS. I yield to the Senator from Illinois, who has been on his feet for some time.

Mr. GLENN. Upon the point to which the Senator from Idaho referred a moment ago, as to the effect of the so-called Glenn amendment which was adopted, I do not understand the meaning of the amendment as the Senator from Michigan understands it.

As the bill came from the committee, it provided that where there was no bus line, or where there was only one bus line, operating along a given route, upon that showing alone the commission was required to grant a second cer-

tificate of public convenience and necessity, providing the qualifications as to service, financial responsibility, and so forth, were complied with. My amendment does not mean what the Senator from Michigan thinks it means. I do not understand it as he understands it at all.

My amendment does not mean that where there is one bus line, and it is giving adequate service, the Interstate Commerce Commission may not grant a second or third or fourth certificate to other lines, but it does mean, and means simply that, that showing alone is not sufficient to require the Interstate Commerce Commission to issue the second or third or fourth certificate. In other words, if there is adequate service along a given route, then it is left to the Interstate Commerce Commission to decide whether or not they will grant other certificates to other lines. They are not debarred from it, neither are they required to do it. That is the meaning of my amendment.

Mr. BORAH. In other words, the Senator from Michigan thinks it is mandatory that they shall or shall not, and the Senator from Illinois contends that it is discretionary?

Mr. GLENN. Yes.

Mr. COUZENS. I may say in answer to the statement of the Senator from Illinois that it seems to me that this is a definite instruction to the Interstate Commerce Commission that it is the intent of Congress, if there is adequate service in the public interest, that no further competing lines should be permitted to operate. That is the understanding of the Senator from Kentucky [Mr. BARKLEY], who was particularly interested in this matter, and I so interpret the amendment of the Senator from Illinois.

Mr. BORAH. It seems to me the Senator from Michigan is correct in his interpretation, if the Senator from Illinois will pardon me. His amendment provided:

(f) If, upon consideration of any application for a certificate of public convenience and necessity, it appears that there is inadequate service by a common carrier by motor vehicle, in whole or in part, upon the route and/or between the fixed termini covered by the proposed operations, then the absence of such adequate service shall be sufficient evidence that the public convenience and necessity will be served by the whole or that part of the proposed operations with respect to which such absence of adequate service exists; and a certificate shall be issued accordingly if the applicant is qualified to comply with the requirements, rules, and regulations of the commission for such service.

Mr. GLENN. Certainly. For instance, take the situation which existed when I offered my amendment. The bill as reported by the committee provided that where there was only one bus line, upon that showing the issuance of a certificate for a second or third or fourth line was made mandatory. I sought to correct that, and therefore provided that where a showing is made that there is inadequate service it becomes mandatory upon the commission to grant a second or third certificate. It does not provide that no other evidence of other conditions or other circumstances shall not empower the commission to authorize other lines, but it does say that upon a showing alone that the service is inadequate, that fact makes it mandatory that another certificate be issued. It leaves open all the other questions to the discretion of the commission. It does not purport to exclude other facts at all from the consideration of the commission.

Mr. BORAH. When the public service is adequately protected what other conditions would be relevant to the situation?

Mr. GLENN. I do not know that any other would be relevant, and I do not know that any other should be relevant. If the public is adequately served at reasonable rates, I think we need no more bus lines; but I take the position that the object of the bill should be to serve adequately the public at reasonable rates, and when that is done it is sufficient. But there is nothing in the amendment which would prevent the commission from acting upon other evidence.

Mr. GOFF and Mr. BLAINE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Michigan yield; and if so, to whom?

Mr. COUZENS. I yield first to the Senator from West Virginia.



Mr. GOFF. I want to ask the Senator from Illinois if it is not his understanding that the conclusion which he has reached differs from the view entertained by the Senator from Michigan?

Mr. GLENN. Yes; it does.

Mr. COUZENS. He stated that fact and has just explained it.

Mr. GOFF. In view of that statement I want to ask the Senator from Illinois how we can clearly vote upon the question? It seems to me the Senator from Idaho [Mr. BORAH] clearly stated the position which is announced by the Senator from Michigan [Mr. COUZENS], and since we have this interpretation of the language, then before we vote upon the matter I think we should have it clarified in such a way that it admits of no doubt of the interpretation thereof.

Mr. GLENN. In answer to the inquiry of the Senator from West Virginia, I know well the study given to the bill and the efforts made by the chairman of the committee in relation to it. I know that he has worked hard to get the bill in proper form. But since I have been in the Senate at this session yesterday and to-day, Members of the Senate on both sides of the aisle of every line of economic thought have said to me that they think the bill is not in form to be acted upon now by the Senate.

In the first place, there is a very definite feeling and I think a well-founded feeling that when we deal with the bus situation we should not separate it between passengers and passenger vehicles and trucks and freight, but that we should have a comprehensive bill dealing with the truck and freight problem together with the bus and passenger problem. The bill does not purport or intend to touch the great problem of freight on the public highways. There are other differences, not only of opinion about the provisions of the bill but there are also differences of opinion as to the construction of the language upon the most important features of the bill.

Answering the Senator from West Virginia, in my opinion and not with a desire finally to prevent the passage of a bus bill, but with a desire finally to obtain a bus bill which the country does need and one which is comprehensive and thorough and reasonably clear in its language and construction, I think that the bill should be recommitted.

Mr. COUZENS. Mr. President, without intending to imply a wrong motive to any Senator, I believe that this agitation has been begun by the railroads. Since this session of the Congress convened the railroads have been lobbying to have the bill killed. Just as soon as the Senate disagreed to the Glenn amendment, which was to the effect that railroads might consolidate and buy up and monopolize bus lines, then the railroads began to exercise their lobbying methods to defeat the bill. Senators have come to me and said that the railroads are now opposing the bill. They were not in evidence until after the Senate by a vote of 21 to 27 defeated the amendment proposed by the Senator from Illinois, which would have taken out of the bill that provision on page 20, beginning in line 22, which reads:

(c) No consolidation, merger, or acquisition of control shall be approved under this section if it involves the consolidation or merger of two or more carriers by railroad or the acquisition of control of any carrier by railroad by another such carrier; nor shall any consolidation, merger, or acquisition of control be approved under this section if one or more of the corporations involved is engaged, directly or indirectly, in the transportation of persons by railroad.

That was a prohibition placed in the bill by the committee to prevent a monopoly of passenger traffic by the railroads. Everyone knows that the railroads desire to monopolize the passenger traffic of the Nation. They do not make any attempt to conceal it. They were perfectly satisfied with the bill when there was in it no prohibition against their absorbing all of the bus lines of the Nation if they chose to unify them with their rail systems. When the bill permitted that sort of thing to be done it was entirely satisfactory to the railroads. But now that the Senate has refused to permit them to acquire by consolidation, purchase, or otherwise all of the bus lines of the Nation there is a

concerted movement here to have the bill sent back to the committee and killed.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Idaho?

Mr. COUZENS. I yield.

Mr. BORAH. Would the Senator from Michigan be willing instead of having the bill go back to the committee, so far as my vote is concerned, to permit the bill to go over for two or three days before we vote on it?

Mr. COUZENS. I do not desire to have it displaced as the unfinished business, and I am afraid it will be displaced and I will probably never get votes enough to get it before the Senate again as long as the railroads are lobbying here to kill it.

Mr. BORAH. I am not sufficiently familiar with the bill to feel sure what I should do. I have very profound respect for the ability and judgment of the Senator from Michigan. I know of the careful attention he has given to the bill. But there is more than one Senator who, since we have returned to this session, has not had time to familiarize himself with the provisions of the bill. I do not desire to vote for a recommittal, but I do desire to know what I am voting on before I vote.

Mr. COUZENS. Of course I can not compel Senators to study the bill. The bill was before the Senate for days and days before we adjourned last summer. It was carried over the summer recess as the unfinished business. It has now been before the Senate for two or three days. I have no assurance when Senators are going to study the bill and inform themselves or when we are going to get a vote on the bill if Senators continue to ask that action on it shall be postponed from time to time.

Mr. BORAH. Could we not agree to vote on Monday without further debate? That would hold the bill before the Senate for a vote no matter what comes up in the meantime. If we agree to vote on Monday at 1 o'clock, we will have opportunity in the meantime to study the bill.

Mr. ROBINSON of Arkansas. Mr. President, I would not want to discontinue the debate on the bill. The Senator from Michigan is making a very illuminating statement, and I would like to have his statement concluded, and also to have the discussion on the bill taken up by other Senators. To me the matter is of considerable importance, as I infer it so appears to the Senator from Idaho. There are many features of the bill which raise comparatively new questions. I do not wish to vote for recommitment of the bill if it can be avoided. I have no objection to its going over until Monday. I am inclined to think that it ought to take that course.

I had some discussion of the matter with the Senator from Michigan on yesterday. He is certainly not censurable for the failure of Senators to understand the bill. The simple truth is that there have been so many matters requiring the attention of Senators that they have refrained from giving to the measure that study which they would like to give. I think the suggestion which the Senator from Idaho makes has force, but I do not think we should undertake now to terminate the debate.

Mr. BORAH. I have no desire to do that.

Mr. COUZENS. What does the Senator propose?

Mr. BORAH. That we go ahead with the discussion of the bill, if there is anybody who wishes to discuss it; but I do not want to vote on it to-day.

Mr. ROBINSON of Arkansas. I suggest to the Senator from Idaho that when the discussion has been concluded perhaps it will be practical to make such an arrangement as he has suggested.

Mr. COUZENS. May I ask the Senator from Idaho and the Senator from Arkansas if they can not prepare themselves to finish the consideration of the bill to-morrow? There is ample time after we get through to-night to formulate any contemplated amendments. It seems to me the greatest divergence of views is what has been developed between the Senator from Illinois [Mr. GLENN], the Sena-



tor from Idaho [Mr. BORAH], and myself concerning the interpretation of the so-called Glenn amendment which we have been debating.

Mr. ROBINSON of Arkansas. While I do not regard it as a proper subject for division according to aisles in the Chamber, I know there are some Senators on this side of the aisle with whom I have talked who are questioning the provision in the bill relating to certificates of convenience and necessity, and whether it is essential at this time to require every operator of a bus line to make application to the Interstate Commerce Commission to secure such a certificate. I want to hear some discussion of those questions. My mind is open on the subject.

The principal thing that prompts me to that belief is the difficulties that have been encountered in procuring such certificates for railway development in certain sections of the country. I do not mean to imply by that statement that the Interstate Commerce Commission has unnecessarily delayed decisions, but it has seemed to me that in some cases at least it has been exceedingly difficult to get such certificates where my humble mind can not grasp the occasion for dispute about the matter.

I cited the case, I believe, this morning, with the courtesy of the Senator from Michigan yielding to me, where it was desired to construct and operate a railway about 7 miles in length, or perhaps somewhat longer, in the State of Arkansas and an application was made. My memory is that it required about 15 months of persistent effort to get a decision in that instance. The case was finally decided and the certificate issued. If it is to require 15 months to decide whether a bus line may be permitted to operate, it seems to me that it is unnecessarily handicapping the service.

Mr. COUZENS. May I point out to the Senator from Arkansas that that very question was the rock on which we split, if we did split, before we adjourned; and on May 20 the bill was recommitted to the committee in an effort to try to straighten out the divergence of views as to the requirement of a certificate of public convenience and necessity. The committee, however, was unable to do anything differently from what they had done prior to the bill being first reported to the Senate.

Mr. ROBINSON of Arkansas. The bill has already once been recommitted?

Mr. COUZENS. Yes, sir; the bill has already once been recommitted.

Mr. ROBINSON of Arkansas. I think that is a very good reason why it should not again be recommitted.

Mr. COUZENS. Should the bill again be recommitted, I do not think the committee will get any farther than it has in the past.

Mr. ROBINSON of Arkansas. I think the bill should not be again recommitted unless the Senate should do so for the purpose of finally terminating its consideration for this session.

Mr. COUZENS. I am charging no one with any wrong motive.

Mr. ROBINSON of Arkansas. I understand that.

Mr. COUZENS. But I know that if the bill shall be recommitted, it will never get out of the committee again at this session; and I object to its being recommitted, because it has already once been recommitted, and members of the committee know that we then did everything in order to try to harmonize our views with respect to the requirement as to certificates of public convenience and necessity.

Mr. KING. Mr. President, will the Senator permit an inquiry?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Utah?

Mr. COUZENS. I yield.

Mr. KING. When the bill was recommitted, was the question brought to its attention of including within the terms of the bill the control of trucks used in the transportation of freight in interstate commerce?

Mr. COUZENS. It was not, because the committee had had extensive hearings in years past with respect to the regulation of motor trucks and the handling of freight and could reach no agreement either with the railroad or the truck owners or among its own members as to the regulation of trucks carrying freight. It was adduced that most of that business was contract work and did not come under the jurisdiction of any commission having jurisdiction of rates of carriers engaged in interstate commerce.

Mr. BARKLEY. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Kentucky?

Mr. COUZENS. I yield.

Mr. BARKLEY. The Senator's answer to the Senator from Utah [Mr. KING] is hardly accurate in this, that while it is true the hearings, both in the other House and before our committee, were centralized on the question of passenger transportation, in the secret sessions of the committee the question of including trucks engaged in carrying freight was raised. I remember that I myself brought up the question, in order to determine why they were not included, and I was perfectly satisfied, I will say to the Senator, as a member of the committee, with the reasoning which finally convinced me of the futility of any effort at this time to link the two branches of interstate traffic together; and that the only sensible thing to do was to try to get bus legislation in the absence of our ability to get both of them linked into one legislative act. The matter, however, was discussed in the committee.

Mr. COUZENS. The Senator may be right so far as what happened in the secret sessions of the committee is concerned. I know there was no proposal before the committee from anyone outside of the committee to include the regulation of freight-carrying trucks.

I think I have fairly well covered the bill, except that, on page 13, it provides:

(1) That the carrier or a predecessor in interest was in bona fide operation on April 1, 1930, as a common carrier by motor vehicle in interstate or foreign commerce on any public highway and (except as to interruption of operations over which the applicant or its predecessors in interest had no control) continuously has so operated since that date, and (2) that such operations are bona fide for the purpose of furnishing reasonably continuous and adequate service at just and reasonable rates—

And so on.

On yesterday we agreed to change the date of this so-called grandfather's clause to December 1, 1930, instead of April 1, 1930, which the Senate had previously agreed to.

Now, I wish for just a moment to refer to section 14 of the bill.

Mr. KING. Mr. President, will the Senator yield to me?

The VICE PRESIDENT. Will the Senator from Michigan yield to the Senator from Utah?

Mr. COUZENS. I yield.

Mr. KING. I wish to ask a question for information. As I understood the Senator, a few moments ago he took up the question of the fixing of rates. I am not quite clear, may I say to the Senator, just who under the bill will have jurisdiction to fix the rates and fares that are to be applied by these transportation companies. I find on page 4 that "just and reasonable rates" are to be applied. On page 9 I find that the commission, where only three States are involved, has certain powers which are mandatory; if more than three States are involved the Interstate Commerce Commission may then, as I read the bill, fix the rates themselves, or they may remit the matter of rates and fares to the States through which the busses operate. It seems to me that there will be lack of uniformity. For instance, if two or three States only are involved they are permitted to fix the rates; their rate, for illustration, may be 5 cents a mile, while in some other sections the rate may be 2 cents a mile.

Mr. COUZENS. Mr. President, there is no authority to fix rates granted by this bill anywhere. All that is required under this bill is that the rates must be fair and reasonable, and neither any joint board nor the Interstate Commerce



Commission itself has any right to fix the rates. All they have a right to do is to determine that a rate is reasonable or unreasonable.

Mr. KING. May I direct the Senator's attention—and I am asking these questions for information—to lines 22, 23, and 24 on page 8, from which I quote?—

Complaints as to rates, fares, and charges of common carriers by motor vehicle—

That is to say, the joint board may investigate complaints which are made. What would be the purpose of investigating the complaint unless the board could fix or limit the rates and fares which were charged?

Mr. COUZENS. As the Senator from Idaho pointed out a while ago, if the joint board or the Interstate Commerce Commission should determine that the rates were unreasonable and unfair, then the bus line would be required to reduce its rates; but the board or the commission will not actually fix the rates. That is the procedure under which the Interstate Commerce Commission operated for years in the regulation of railroads before the commission was given authority actually to fix rates.

Mr. KING. The Senator's position, then, is that there is no authority given either to the joint board or to the Interstate Commerce Commission to fix rates?

Mr. COUZENS. That is correct.

Mr. KING. I should like to ask in that connection what is meant then by the provision on page 23, subdivision (e), which reads:

In any proceeding to determine the justness or reasonableness of any rate, fare, or charge of any such carrier there shall not be taken into consideration or allowed, as evidence or elements of value of the property of such carrier, either good will, earning power, going value, or the certificate.

Obviously some elements must be taken into account if a hearing is being held to determine whether rates are reasonable or unreasonable. What is the purpose of the hearing to determine whether rates are reasonable or unreasonable unless there is to be some adjudication either raising rates or lowering rates; and if there is a hearing for the purpose of determining whether the rates are reasonable or not, what elements are to be taken into account?

Mr. COUZENS. I should say that the investment value would be taken into account. It is particularly provided in the bill that no bus operator shall be permitted to capitalize his license and thereby claim a return on the license. That is the reason for that language. It is necessary to go into the question of values, whether a specific rate is to be determined or whether it is to be determined that a rate is reasonable or unreasonable.

Mr. KEAN. Mr. President—

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from New Jersey?

Mr. COUZENS. I yield to the Senator.

Mr. KEAN. I have here a letter from the Evening Courier and Morning Post, of Camden, N. J., inclosing a table of bus fares and railroad fares, single-trip and 60-day trip tickets, in the southern part of New Jersey. The figures show that the bus fares for a 60-trip ticket are about double the fares of the railroads.

The interest of New Jersey, which has probably more bus lines running through it than any other State in the Union, is that there be some regulation which will prevent the operation of busses which are not properly equipped, which are not sanitary, which are in a dangerous condition to the public. New Jersey desires some regulation of bus lines operating in interstate commerce so that the people traveling in such busses may be protected. At the present time—

Mr. COUZENS. Is the Senator making a speech in my time?

Mr. KEAN. I will not proceed further, Mr. President, but will ask that the letter and table to which I have referred may be printed in the RECORD at this point.

The VICE PRESIDENT. If there is no objection, the letter and table will be printed in the RECORD.

There being no objection, the letter and table were ordered to be printed in the RECORD, as follows:

EVENING COURIER-MORNING POST,  
CAMDEN, N. J., August 5, 1930.

HON. HAMILTON F. KEAN,  
Deal, N. J.

DEAR SENATOR: Mr. Stern has asked me to send you the inclosed comparative bus and railroad fare rates. Mostly, as you will note, the bus fare is double that of the train commutation rate.

But commuters are virtually forced to use the busses because the railroads have discontinued most of their trains. The situation is driving people out of this region. And with no regulation of the interstate busses, the public is powerless to control either service or fares.

If you wish any other figures or information, I will be glad to send them.

Yours very truly,

ARTHUR D. PIERCE.

Railroad and bus fares in south Jersey

	Mileage from Philadelphia	Bus fare	Bus fare per month (60 trips)	Train fare (1 way)	Train fare (60-trip ticket)	Per trip (cents)
Haddonfield.....	8.5	\$0.20	\$12.00	\$0.29	\$6.74	11.2
Merchantville.....	5.0	.20	12.00	.22	6.28	10.4
Haddon Heights.....	6.5	.25	15.00	.26	6.68	11.1
Moorestown.....	9.0	.30	18.00	.42	8.45	14.1
Brooklawn.....	7.3	.20	12.00	.23	6.47	10.7
Blackwood.....	15.0	.35	( <sup>1</sup> )	.45	8.66	14.4
Woodbury.....	10.0	.30	( <sup>2</sup> )	.35	7.86	13.1
Berlin.....	18.6	.50	( <sup>2</sup> )	.64	10.24	17.0

<sup>1</sup> Strip tickets, 12 rides for \$2.50, making rate \$12.50.

<sup>2</sup> 12 rides, \$3, making monthly rate \$15.  
10 trips, \$4.50, or \$27 per month.

Mr. WAGNER. Mr. President, I should like to inquire what the reason is for giving the commission power merely to ascertain whether or not a certain charge made by a particular company is reasonable or not, instead of giving it the power, which is almost universally given now in the case of the regulation of public utilities, of fixing the rates to be charged where complaint is made as to their unreasonableness?

Mr. COUZENS. The Senator is a member of the committee; I do not recall whether he was there during the discussions; but the committee thought that the interstate operation of busses was rather a new enterprise; that it had not altogether found itself; and that we should proceed along the lines of the authority given to the Interstate Commerce Commission when the Government first commenced to regulate the railroads. When Congress created the Interstate Commerce Commission in the first instance to regulate the railroads, it did not give the commission the power to regulate rates. So it was thought, as this was a new industry, we perhaps should not attempt to regulate in detail all of the rates at this time, but that we ought to give the industry an opportunity to get on its feet and see what could be done, and later on give the Interstate Commerce Commission the authority to regulate the rates.

Mr. BARKLEY. Mr. President, will the Senator yield to me there?

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Kentucky?

Mr. COUZENS. I yield.

Mr. BARKLEY. It might also be said in that connection that the conditions are entirely different in different sections of the country. What might be a reasonable rate in one locality might be a wholly unreasonable rate in some other community. And in view of the fact that local boards have the authority to hear controversies involving the reasonableness and unreasonableness of rates, the committee felt that it was not at this time wise to undertake to give the Interstate Commerce Commission blanket authority to fix rates all over the country with reference to bus fares.

Mr. COUZENS. I think the Senator is correct in the statement he has made.

Mr. WAGNER. I might suggest that the power was given to them to fix telephone rates; and in that case, of course, the conditions would not be the same in every section of the country.

If the Senator remembers, I was not in sympathy with that view when the bill was before the committee for con-



sideration, because I think, as a matter of looking at it realistically, that we really give the commission the power to fix the rates, because in determining the unreasonableness of a rate undoubtedly they would intimate what they would regard as a reasonable rate. That is why my view is that we ought to adopt the policy which has been adopted in the regulation of public utilities and give them the power to fix the rates.

Mr. COUZENS. Mr. President, I referred to section 14. I want to say that so far as the committee was concerned I think every member of the committee was particularly anxious that nothing be done which would interfere with the control by the States of bus lines. There has been some discussion with respect to that; and I want to draw the attention of the Senate to section 14. It is not long:

Nothing in this act contained shall be construed to affect the powers of taxation of the several States or to authorize a motor carrier to do an intrastate business on the highways of any State. It is not intended hereby to interfere with the exclusive exercise by each State of the power of regulation of intrastate commerce by motor carriers on the highways thereof, and, notwithstanding this act, motor carriers operating in intrastate commerce on the highways of a State shall continue to be subject to the laws of the State regulating such intrastate commerce; and motor carriers operating in interstate commerce shall be subject to the proper exercise by the State of its police powers.

I do not know that there is any other feature of the bill that I have not explained. I am perfectly willing to answer any more questions. I can see no reason for postponing a vote upon the bill.

Mr. GEORGE. Mr. President, may I inquire of the Senator from Michigan whether the amendment offered by the Senator from Wisconsin [Mr. BLAINE] was adopted?

Mr. COUZENS. It was.

Mr. GEORGE. I understood that it was adopted.

Mr. BARKLEY. Mr. President, I do not know whether or not anything can be gained at this juncture by further discussion. In view, however, of the rather unexpected and sudden confusion which has developed here about the meaning of this legislation since we took it up a day or two ago, which did not seem to exist at the time we adjourned earlier in the year, in spite of the fact that I took a good deal of time then in attempting, probably unsuccessfully, to explain the provisions of the bill and the necessity for it, I feel that I should like to say just a few words with reference to some questions which have been propounded to me privately.

Mr. FLETCHER. Mr. President—

Mr. BARKLEY. I yield to the Senator from Florida.

Mr. FLETCHER. As I understand the situation, what is known as the Glenn amendment was rejected by the Senate; so that there is no need of any discussion about that.

Mr. BARKLEY. There have been two or three Glenn amendments.

Mr. FLETCHER. I meant the one offered this morning. That was rejected?

Mr. BARKLEY. Yes. The amendment which the Senator from Illinois offered in the last session, which probably would have permitted the railroads to consolidate with bus lines, was rejected.

Mr. FLETCHER. That stands rejected now; does it?

Mr. BARKLEY. That stands rejected now.

Mr. FLETCHER. So there is no need of any confusion about that. That is not now in the bill.

Mr. BARKLEY. No; that is true. There was another Glenn amendment which was adopted as a substitute for the language which the bill contained as it came from the House, and also as a substitute for another amendment offered by some Senator, whose name I do not now remember; I believe it was the Senator from Washington [Mr. DILL]. That amendment of the Senator from Illinois was agreed to.

Mr. President, with reference to the necessity for this legislation, I wish to say that if the motion of the Senator from South Carolina [Mr. SMITH] should be adopted, to recommit the bill to the committee, there will be no legislation on the subject of bus regulation at this session of Congress.

For five years the State utility commissions have been urging legislation for the regulation of interstate bus lines. Until 1925 the States assumed that they had the authority to require bus lines engaged in intrastate business and interstate business, both, to obtain a certificate of convenience and necessity before they would be permitted to operate. Nearly every State among the 48 now has a law requiring bus lines to obtain that sort of certificate before they can use the highways of the State for profit. Certainly there ought to be somebody who has the power to protect the public against the unnecessary use of public roads for purposes of making money. I am going to discuss that feature of the matter a little later though when we come to the question of the certificate of convenience and necessity.

In 1925 the Supreme Court rendered a decision, to which it has adhered ever since, holding that notwithstanding the provisions of any State law, and notwithstanding the absence of any Federal legislation on the subject, the State had no authority to require a certificate of convenience and necessity from any bus line operating between points in different States. In other words, the court held that even where the Federal Government has not entered the field by the enactment of any Federal legislation to regulate the carrying of passengers between a point in one State and a point in another State by bus, the State utility bodies have no power to regulate such transportation; and while, under the State laws, they had the power and exercised the power to require every bus line wholly within a State to obtain a certificate of convenience and necessity before it could operate, every bus line engaged in interstate passenger traffic could operate without complying with any such requirement.

As a result of that situation in 1925, and from that time on until the present time, the State utility commissions have urged Congress to enact legislation to protect the people with reference to the carrying on of the business of interstate passenger traffic by bus.

Not only that, but in 1928 the Interstate Commerce Commission, in making its report to the Congress of the United States, urged legislation similar to that before the Senate at this time. Not only did the Interstate Commerce Commission urge Congress to enact legislation for the regulation of the transportation of passengers by bus in interstate commerce, but they even went so far as to recommend that Congress empower them to fix rates and charges for carrying passenger traffic from one State to another.

So we are here to-day, and have been for several months, in response not only to a recommendation of the Interstate Commerce Commission, which has no power at all to deal with the subject, but in response to a 5-year agitation on the part of State utility bodies, which undertook until 1925 to regulate interstate traffic by busses but which were denied that right by the Supreme Court of the United States.

As the Senator from Michigan has indicated, there have been two or three subjects of controversy, not only in the committee but here on the floor, revolving around this question of the necessity to obtain a certificate of convenience and necessity. I will say that practically all of the States, with one or two exceptions, which have attempted to regulate bus traffic in the States, have required that any bus line shall obtain such a certificate from the State before it shall be authorized to use the public highways for purposes of profit.

I think that is a fair requirement. I think it is a reasonable requirement. The public highways of every State have been constructed for the convenience of the people. They have been constructed for the free transportation and travel of the people, who have paid taxes for the construction of these highways. Those public highways having been primarily dedicated to the use of people who have their own vehicles or who may travel upon foot in any part of the State, certainly it is reasonable to require some restriction with reference to the permission of indiscriminate persons or corporations to use the public highways to make profits, possibly to the inconvenience of the great masses of the



people for whose convenience and necessity the public highways were built in the first place.

I realize that there is a certain well-settled opinion among Senators and among a considerable group of people to the effect that anybody who desires to establish a business anywhere, regardless of its nature, so long as it is a legal business, ought to be allowed to do it, regardless of the wishes of anybody and regardless of the convenience or inconvenience of the people who may be involved. I think that with reference to merchandising and manufacturing and private enterprises of that sort the theory is well founded and is justified; but I take the view that the establishment of a bus line on a public highway which interferes to some extent at least with the use of that highway by the people, and especially when it is for profit, occupies an entirely different situation from the establishment of a grocery store next door to some man who already has one or the installation of a manufacturing institution in the same town or in the same vicinity where already there is one in existence manufacturing the same thing.

In other words, my theory is that the public highways should not be cluttered up, as the expression has been used, by unnecessary bus lines, which may ultimately become so numerous as to interfere with the primary purposes for which the highways were constructed in the first place.

In addition to that, if we are to weigh the equities on the two sides of the proposition, the right of the public who have their own vehicles, or, if they do not have them, may desire now and then to venture out upon the public highways on foot in competition with the vehicles already on the highways, we have the right to consider which element of our population has the greatest right in the public highways—those who desire to use them in their own vehicles, or in their own way, who make up the vast majority of the rank and file of the people, or some man or group of men who desire to establish a bus line on the highway in order that they may use the highway and make profit.

My theory is that the great masses of the people who have built the highway have the first right, and that therefore the public highways should not be allowed to be used by private corporations desiring to use them to make profit, except in so far as the convenience and the necessity of the people may require that they be used for that purpose. That is the theory upon which a certificate of convenience and necessity not only is required in the States which have undertaken to regulate bus lines but it is the theory upon which we require it in this bill. In other words, if there is no necessity for an additional bus line on any highway, if the convenience of the people not only will not be served by installing an additional line but might be interfered with by the installation of it, why should anybody have the unrestricted right to go upon the public highway and install or operate a line of busses?

If that theory is to be carried to its ultimate conclusion, we might well imagine that after a while the entire highway will be used by busses, and those who have their own methods of travel will be driven off the highway, which is the case even now in many of the congested sections of the United States.

Those of us who drive in the vicinity of large cities, or even out in the more sparsely settled sections of our country, have personal knowledge of the inconvenience sometimes of trying to get along and make headway, or to avoid accidents, or even injury, or sometimes death, because of the existence of enormous busses and enormous trucks upon the highways. I remember very vividly an incident which occurred to me within the last two months, when I was approaching a highway bridge in my own State. I did not see an approaching bus because there was a turn in the road, but it so happened that when I arrived at the end of the bridge there was in the middle of the bridge, and in the middle of the road, an enormous bus, which drove me over to the side and made it necessary for me to run into the side of the bridge and damage my car in order that I might avoid an even more serious accident.

My contention is that no man has the right to use a highway, either for a bus or for a truck, except to the extent that convenience and necessity of the community and the section of the country may demand that there shall be service of that sort upon that public highway. In other words, I contend that no man has an inherent right unnecessarily to use the public highway out of which he may make profit unless the convenience and necessity of the people is of such a character as to make it necessary for the highway to be used for that purpose.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BORAH. Is the Senator satisfied with this bill with reference to the fixing or controlling of the rate to be charged, in view of the other limitations which may arise by reason of the issuing of the certificate of necessity? I think I would agree with the Senator that a provision for a certificate of necessity and convenience should be in the bill, but the terms of the bill with reference to controlling charges do not seem to me to be very adequate.

Mr. BARKLEY. I will discuss that, because I have said about all I can say on the other subject. It seems to me fundamental that we have to deal with the public highway with reference to its use for private profit entirely in a different way from the way in which we deal with the railroad track, which has been built by a railroad company, and which is private property, over which the public have no such right of travel as they have over a public highway, which they themselves have dedicated to the public, and for which they have paid.

Now with reference to rates. I am not entirely satisfied with the provisions of the bill on that subject, but I am so nearly satisfied with them that I would not be willing to vote at this time to confer the positive authority on the commission to fix rates in every case involving interstate passenger traffic. Of course, some of these bus lines, as has been indicated already, go from the Atlantic to the Pacific. You can get on a bus in New York and, with very few changes, go all the way to San Francisco. Some of the bus lines are owned by the same company, some of them have working arrangements involving different sections of the country, and if it involved only nation-wide traffic on the highways with reference to bus fares, there might be more reason at this time, in my judgment, for giving the Interstate Commerce Commission the positive power to fix rates. But I have in mind localities where there is a city on one side of a river and another city opposite on the other side. There is a bus line existing between those two points. There may be an interstate bridge, not more than a mile in length, over which the bus travels.

I do not believe that the public interest will suffer because of the absence of any positive authority on the part of the Interstate Commerce Commission to go to Cincinnati, Ohio, and Covington, Ky., and exercise the positive power of saying what the rate shall be, whether it shall be 5 cents or 6 cents. I do believe they ought to have the power to say that a given rate, fixed by either the bus line itself or by any local board set up under this by the Interstate Commerce Commission, is an unreasonable rate. In other words, if they fix a rate of 10 cents to go from a town on the south side of the Ohio River to a town on the north side of the Ohio River, over a bridge which has been paid for out of public funds, they ought to have the right to say that that 10 cents is not a reasonable charge, which would require them to fix a rate below 10 cents. It might be that they would fix the rate nearest to 10 that they could get by with; but, still, with the power of the Interstate Commerce Commission, through the intermediary action of this local board, which is an effort, I will say to the Senator, to preserve some semblance of local self-government in the regulation of these local matters which affect local communities, there would be no justification, in my judgment, for setting up these local boards, taken from the public utilities bodies of the different States, except for the purpose of undertaking to



leave in the local community as far as possible the regulation of these transportation difficulties without coming to Washington in order to get relief.

Mr. BROOKHART. Mr. President—

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Iowa?

Mr. BARKLEY. I yield.

Mr. BROOKHART. Under the provisions of this bill would there not be required all the machinery and all the evidence and everything with reference to determining whether or not a rate was unreasonable just as fully as if you were passing upon what was a reasonable rate?

Mr. BARKLEY. Probably so.

Mr. BROOKHART. After a rate was declared unreasonable they might lower it a little and still leave it unreasonably high, and it would be necessary to have the proceeding all over again.

Mr. BARKLEY. One may suppose that in some cases that would be possible. Yet upon the same facts, without any additional investigation, where the Interstate Commerce Commission held that a 25-cent rate between two points was unreasonable, if a bus line then, in order to get around the decision, fixed the rate at 24½ cents, it is unreasonable to think that upon an application to declare that rate unreasonable the commission would have to go through the same hearing through which they had gone in order to find that a 25-cent rate was unreasonable. They could keep on shaving the rate down as long as they believed it unreasonable, based upon the information they had obtained, until they brought it to a reasonable basis.

Mr. BROOKHART. There is no provision in the measure that would require the commission to use former evidence or abbreviate the proceedings in any way. The bus line would have the right to a full hearing again on the 24½-cent rate as it had on the 25-cent rate.

Mr. BARKLEY. There is no requirement that the commission shall use the information obtained in a previous investigation in passing on a new application, but it is hardly reasonable to expect that the commission would go out of its way to do a lot of unnecessary work, if it already had the information gathered in an investigation that was required.

Mr. BROOKHART. There is one good provision here, in reference to going-concern value, in view of the troubles we have had with the railroad law. They are cut out by one provision of this bill.

Mr. GEORGE. Mr. President, will the Senator from Kentucky yield to me?

Mr. BARKLEY. I yield.

Mr. GEORGE. I merely wish to ask the Senator a question. Is the Interstate Commerce Commission given the power to say that a rate is too low as well as to say that one is too high?

Mr. BARKLEY. I think there is a provision here relating to that subject. I would like to ask the Senator from Michigan whether in the committee we did not insert a provision that they would have the right to hold that a rate was too low?

Mr. GEORGE. I do not find it, and I am merely asking for information. Provision is made for complaints to the commission with regard to the reasonableness and justness of rates.

Mr. BARKLEY. I know we had before us in the committee the question as to whether the commission should be authorized to hold that a rate was unreasonably low. My recollection is that we inserted an amendment which would take care of that, although I may be mistaken.

Mr. GEORGE. I have found a provision which indicates that the test of reasonableness can not be raised by a carrier of a different character or kind—for instance, by a railroad company as against a bus company. I do not find any provision which clearly indicates whether a complaint may be based on the fact that a rate is too high or too low, according to the allegations of the complainant.

Mr. BROOKHART. Mr. President, I remember something of that matter. Rates were to be made by the bus lines

themselves; therefore it was assumed that there would be no question about their being too low. The only time complaint would be made would be when there would be a question of unreasonableness, when they would be too high.

Mr. GEORGE. In the case of two bus lines, one line might say that the other reduced rates unduly for the purpose of running it out of business. In fact, that not only might arise but it would arise.

Mr. BROOKHART. That was not considered while the bill was before the committee.

Mr. BARKLEY. Here in subsection (b), page 22, appears this language:

No such carrier shall charge or demand, or collect or receive, a greater or less or different compensation for the transportation of persons, or for any service in connection therewith, between the points named in such tariffs than the rates, fares, or charges specified in the tariffs in effect at the time.

I rather think that under that language the question of the reasonableness of a rate, both as to whether it was too high and as to whether it was too low, might be considered, especially in connection with the efforts on the part of one line to drive another one out of business by reducing a rate below a point where it might be profitable for them to carry passengers.

Mr. GEORGE. Now, Mr. President, if the Senator will allow me to interrupt him again—

Mr. BARKLEY. I yield.

Mr. GEORGE. As I understand the bill as it now stands there is nothing in the measure to prevent a railroad from acquiring a single bus line operating between points in different States. To put it concretely, let us say that there is a bus line operating from Washington City to Louisville, in the State of Kentucky, and only one bus line operating between those two points. There is nothing in the bill as it now stands to prevent the acquisition of that line by a railroad company operating on the same route.

Mr. COUZENS. There is a prohibition against the absorbing of that line by a railroad company. Is that the question the Senator asked?

Mr. GEORGE. Yes; that is what I am trying to reach.

Mr. COUZENS. There is a prohibition against absorbing a going line.

Mr. BARKLEY. I will read the provision which we added in the committee and which is the amendment which has been agreed to by the Senate.

(c) No consolidation, merger, or acquisition of control shall be approved under this section if it involves the consolidation or merger of two or more carriers by railroad or the acquisition of control of any carrier by railroad by another such carrier; nor shall any consolidation, merger, or acquisition of control be approved under this section if one or more of the corporations involved is engaged, directly or indirectly, in the transportation of persons by railroad.

In other words, the Senate committee added this provision which prohibits a railroad from buying out a competing bus line, whether it be a single line or whether there be more lines, so that under the language of the bill as it now stands a railroad company can not buy a competing bus line operating between the same points as the railroad.

Mr. GEORGE. It can, under the terms of the bill as it now stands, put in a new bus line if there is a public necessity and convenience.

Mr. BARKLEY. Where there is no bus line already in existence.

Mr. GEORGE. And only then?

Mr. BARKLEY. Yes.

Mr. BLEASE. Oh, no.

Mr. BARKLEY. Does the Senator refer to the amendment which we had under consideration yesterday?

Mr. GEORGE. I am asking about the bill as it now stands, because I am confused as to what amendments have been adopted and what amendments have been rejected. Let me take the concrete case of an established bus line operating between Washington City and Louisville, Ky. Could a railroad operating between those two points, under the terms of the bill as it now stands, acquire that bus line? I am now advised that it can not.

Mr. COUZENS. It can not.



Mr. GEORGE. I now ask the further question whether that railroad company could install or put into operation a bus line between Washington City and Louisville?

Mr. BARKLEY. If it should obtain a certificate of convenience and necessity from the Interstate Commerce Commission it could.

Mr. GEORGE. I understand that to be the state of the bill.

Mr. COUZENS. I wish to invite the Senator's attention to the language of the bill, if the Senator from Kentucky will yield.

Mr. BARKLEY. Certainly.

Mr. COUZENS. With respect to the question of rates, I would invite the attention of the Senator from Georgia to page 23, line 14, where it is provided:

No such rate, fare, or charge shall be held to be unjust or unreasonable by the commission or by any joint board, under this act, on the ground that it is unjust to a competing carrier engaged in a different kind of transportation.

Mr. GEORGE. Yes; I referred to that.

Mr. COUZENS. It then continues:

Nothing in this act shall be construed to authorize the commission to fix a rate, fare, or charge.

Mr. BARKLEY. In other words, a railroad company can not complain that the rates of a bus line which competes with it are unreasonably low, but another bus line may do so.

Mr. GEORGE. The preceding question which I asked was whether another bus line could complain.

Mr. COUZENS. I think that is inferred.

Mr. BARKLEY. Another bus line could go before the Interstate Commerce Commission and complain that a rate which had been put into effect by its competitor was so unreasonably low as to make it unprofitable to engage in the business or was intended for the purpose of driving it out of business, and in that case I think the commission, under the language of the bill, would have the right to review it.

Mr. CARAWAY. Mr. President—

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Arkansas?

Mr. BARKLEY. I do.

Mr. CARAWAY. Of course, I realize that to a large extent the improbability of it occurring is so great that it is possibly not entitled to serious consideration, but on page 20, line 21, it is provided:

Or the acquisition of control of any carrier by railroad by another such carrier.

Mr. BARKLEY. If the Senator will permit me, I will say that that language was put in by the committee merely as a precaution against anybody construing the bill to confer any jurisdiction on the Interstate Commerce Commission to authorize the consolidation of railroads in any different way than as provided by the transportation act. Otherwise that language would not have been necessary.

Mr. CARAWAY. But that is not my question. The language is:

No consolidation, merger, or acquisition of control shall be approved under this section if it involves the consolidation or merger of two or more carriers by railroad or the acquisition of control of any carrier by railroad by another such carrier.

Does the Senator say that is intended to prevent the construing of permission to merge railroads?

Mr. BARKLEY. Yes; under the terms of this bill.

Mr. CARAWAY. It reads:

Or the acquisition of control of any carrier by railroad by another such carrier.

That has nothing to do with busses.

Mr. BARKLEY. Not that particular language.

Mr. CARAWAY. Nothing that preceded it has anything to do with them.

Mr. BARKLEY. No. I repeat that the question was raised whether under the terms of the bill somebody might take the position that it was an amendment to the transportation act with reference to consolidation, and in order to be sure that it was not to be so construed, we inserted this language.

Mr. CARAWAY. I understand that. Will the Senator let me call attention to another clause:

Nor shall any consolidation, merger, or acquisition of control be approved under this section if one or more of the corporations involved is engaged, directly or indirectly, in the transportation of persons by railroad.

Under that language bus lines can merge; that is, there is no inhibition against bus lines merging?

Mr. BARKLEY. No.

Mr. CARAWAY. They can buy each other out and thus stifle competition?

Mr. BARKLEY. Of course they can if it is permitted by the Interstate Commerce Commission. The commission has jurisdiction over such questions.

Mr. CARAWAY. Does the Senator really think there is any jurisdiction at all of that question, because we are dealing now with the right of consolidation, and the language of the bill is:

Nor shall any consolidation, merger, or acquisition of control be approved under this section if one or more of the corporations involved is engaged, directly or indirectly, in the transportation of persons by railroad.

When we undertake to say what the commission shall or shall not do, then everything outside of that is outside of the control of the commission, is it not?

Mr. BARKLEY. If the Senator will refer to page 18, section 9, he will see that it deals with mergers and acquisition of control. He will find there, of course, that—

Any corporate consolidation or merger of two or more corporations, at least one of which is a common carrier by motor vehicle, and any acquisition of control of any common carrier by motor vehicle shall be invalid and unlawful unless approved and authorized as hereinafter provided.

Then, a provision somewhat lengthy is in the bill with reference to the question of consolidations and mergers and acquisition of control. That applies, of course, to bus lines. Then, in order to make sure that the bill would not be interpreted to cover any other sort of consolidation, this language was inserted to which the Senator from Arkansas has called attention.

Mr. CARAWAY. I do not want to argue too much with the Senator about it; but, coming back to section 9 on page 18, from which the Senator has just read, it is there provided:

Any corporate consolidation or merger of two or more corporations, at least one of which is a common carrier by motor vehicle, and any acquisition of control of any common carrier by motor vehicle, shall be invalid and unlawful unless approved and authorized as hereinafter provided. For the purposes of this section, control of any common carrier by motor vehicle shall be deemed to be acquired if any person or corporation acquires (except pursuant to court order or by operation of law), directly or indirectly—

And so forth.

I do not see, then, the force and effect of the provision on page 20. I would like to ask if it is contended that a court might order the consolidation of transportation lines in defiance of the provisions of this bill?

Mr. BARKLEY. No; I do not think a court would defy the law.

Mr. CARAWAY. What is the purpose and meaning of that language, then?

Mr. BARKLEY. Does the Senator mean within the parentheses?

Mr. CARAWAY. Yes; "except pursuant to court order or by operation of law."

Mr. BARKLEY. It is possible that in litigation involving the property of common carriers by motor bus, receiverships, and matters of that sort, it might be necessary for the court to take cognizance of the fact that under its jurisdiction there might be brought about some consolidation of operation under the jurisdiction of the court, so that we thought it wise to take care of it in that parenthetical provision. But the likelihood of it occurring is so remote that it really does not create a problem.

Mr. CARAWAY. "By operation of law." If the legislature of the State were to authorize the consolidation, does



the Senator think he has ousted the Interstate Commerce Commission of its jurisdiction by specific act of Congress?

Mr. BARKLEY. No; I do not. I do not believe a legislature could authorize the consolidation of interstate facilities so as to take away the jurisdiction of the United States.

Mr. CARAWAY. It could if the United States would assent to it. What does it do here? "By operation of law." What was in the minds of the committee when that language was put in the bill?

Mr. BARKLEY. That language was put in by the draftsmen in the House. Frankly, I do not know all that it did include. It was evidently thought sufficiently broad to take care of any legal or technical situation that might arise, either by virtue of the jurisdiction of the court over the financial or operating interests of any company or any two or more companies, or by any legislative act that did not in any way contravene the jurisdiction of the United States to deal with questions of interstate commerce. I realize that the creation of private corporations, even those we are seeking to regulate, is a State function and that the legislature of any State can change its corporate laws in so far as it may see fit to do so and that it is possible to conceive of a situation where the legislature might enact a permissive consolidation law with reference to its own corporations that might seem to make this language inconsistent.

Mr. CARAWAY. I do not care to argue further about it, but I do want to ask the Senator again if there is not a positive conflict between the language in the first part of section 9, page 18, and the language in the latter part of the section on page 20?

Mr. BARKLEY. The Senator is referring now to section 9?

Mr. CARAWAY. Yes; the beginning of section 9 on page 18 and the latter part of the section on page 20.

Mr. BARKLEY. The latter part of the section, at the bottom of page 20, of course, is to nullify any modification in the early part of section 9 that would authorize the sort of consolidations prohibited in that language.

Mr. CARAWAY. It reads:

Nor shall any consolidation, merger, or acquisition of control be approved under this section if one or more of the corporations involved is engaged, directly or indirectly, in the transportation of persons by railroad.

Very well.

Mr. BARKLEY. In other words, under that language, no railroad can buy or merge with a motor-bus line.

Mr. CARAWAY. A railroad company may own a bus line. It is a separate corporation. That bus line can merge with another bus line. Then, why can not the whole intent of the bill be evaded by this bus line absorbing every other bus line and yet the control of that bus line be in that railroad, though an independent corporation?

Mr. BARKLEY. Of course, under the language of the amendment at the bottom of page 20, the railroad company involved is either directly or indirectly engaged in the transportation of passengers by railroad.

Mr. CARAWAY. But this is an entirely separate corporation.

Mr. BARKLEY. I realize that a bus company might be created composed of the same stockholders and the same directors. It is difficult to understand how a separate corporation could be created under the laws of any State owned by a railroad except that there shall be separate directors and stockholders.

Mr. CARAWAY. If the Senator will pardon me, he may acquire every dollar of the stock of a corporation and yet not own that corporation. That would only give him the right to take over its assets. I am conscious of the fact that the situation is unlikely to occur. I was just endeavoring to get the Senator's viewpoint. I would not see any difficulty in one bus line absorbing another bus line, although the actual ownership of the stock of that bus line was in a railroad company.

Mr. BARKLEY. I was reading the language of the bill, and I did not catch the last sentence of the Senator's statement.

Mr. CARAWAY. I was merely saying that I could not see, why under the provisions of that section, if one bus line may absorb another, a railroad, by owning the stock and yet not owning and controlling the corporation, might not let its bus line absorb every other bus line, accomplishing exactly what the bill is undertaking to defeat.

Mr. BARKLEY. Of course, it may be that in this amendment which was put in by the committee there was an overabundance of caution in order to prevent the consolidation of railroads and bus lines already in existence, or the taking over of control and acquiring the property of such bus lines; and it may be that in some remote case it might involve a bus line that had been started by a railroad company; but, of course, none of these consolidations can take place except by permission of the Interstate Commerce Commission.

Mr. CARAWAY. I am not so certain about that, but I think an invitation to rather a good lawsuit is laid by the language on page 18 of the bill.

Mr. BARKLEY. That may be.

Mr. President, I do not wish to consume any additional time in the consideration of the bill unless there shall be some question that I can help elucidate with reference to provisions in the measure. In conclusion, I wish to emphasize that I have, after a great deal of thought, come to the definite conclusion that certificates of convenience and necessity must be required in order that people may operate bus lines.

We have attempted to leave to the local authorities just as much jurisdiction as is possible consistent with the regulation of interstate commerce by Congress. We have done that to a greater extent in this bill than in any other measure regulating interstate traffic either in passengers or freight. Under these circumstances, and in view of the long need for this legislation and the growing demand on the part of the people for the regulation of this character of transportation, it would be most unfortunate if this bill should be recommitted to the committee. I hope, therefore, that it will be speedily passed here and sent to conference, so that at this session we may be able to enact some legislation recognizing our obligation and our duty to the people with reference to this vast accumulation of transportation facilities now engaged in the hauling of passengers all over the United States.

#### PERSONAL EXPLANATION—SEATING OF SENATOR FROM PENNSYLVANIA

Mr. SHEPPARD. Mr. President, a prominent newspaper contains to-day a statement in reference to Senator JOSEPH T. ROBINSON and the seating of Senator DAVIS which does not give my position correctly.

In this statement occurs the following:

In any event the declaration of unanimity was demonstrated to be ill founded by the fact that two members of the committee—Senators SHEPPARD, of Texas, and SIMMONS, of North Carolina, voted against the seating of DAVIS. Senator SHEPPARD was present at the meeting and said to-day that he had expressed his opposition to the ROBINSON position.

I did not say to the reporter who sent this statement to his paper that I had taken any position in the Davis matter in the steering committee. In fact, I expressed no opinion in the committee, and if I gave the reporter the impression that I did so I did not express myself to him clearly. I wish to go farther in saying that anyone present in the steering committee meeting would have been justified in saying that the opinion of the committee was unanimous. My opinion was shown by my vote in the Senate.

I want to take this occasion to say that in my judgment Senator ROBINSON possesses the support and confidence of the Democratic side to an extent unsurpassed by any previous Democratic leader. I want to say further that I am unqualifiedly for his reelection as leader, and so is Senator HARRIS, another member of the Democratic steering committee, who was present at the meeting above referred to and who voted as I did in the Senate for the Nye resolution in regard to the seating of DAVIS.

Mr. HARRIS. Mr. President, I wish to say that my views on this question coincide with those just expressed by the Senator from Texas [Mr. SHEPPARD].



## PROPOSED SPECIAL COMMITTEE ON RELIEF LEGISLATION

Mr. THOMAS of Oklahoma. Mr. President, I desire to call the attention of the Senate to some newspaper clippings. The first is from the New York Times of this date. The title of this article is "Green Asks Speed on Congress Bills." Quoting from the body of the story, I find the following:

Mr. Green pleaded for a speeding up of relief measures.

Further I find this statement:

"It is no aid to distressed industry and labor to know that unemployment exists in other countries," he declared. "We are concerned with our own problem. There is distress in this land right now, and it is foolish to think the condition is temporary. You will make the greatest mistake of your legislative lives if you treat it as a temporary depression and do not rise up to meet this situation as it is."

Later I find this statement:

This year we enter the winter months with an unemployment crisis already on our hands. We should take this November increase as warning that relief measures must be speeded and the utmost possible done to hasten the work of relief and prevention already begun.

At another point I read this language:

We estimate that in the United States as a whole 4,500,000 wage earners were without work in October, and in November our preliminary estimate shows 4,860,000 unemployed. These figures do not include farm laborers or office workers.

Mr. President, a few days ago the Washington Post in an editorial made a statement somewhat in opposition to the figures just read. In that editorial, which was printed on November 26, I find the following statement:

A high officer of the United States who has just completed a country-wide survey in which he made a personal examination of conditions advises the Post that the unemployment situation is exaggerated. "The rural and country regions are not much, if any, below normal," said this official.

Mr. President, those who live on thrones, in gilded palaces, and exclusive clubs do not and, it seems, can not know the conditions existing among the people who perform the real work and labor of the country.

In this connection, Mr. President, I exhibit to the Senate a picture published in one of the leading dailies of the country. It shows a number of women and children searching in a garbage pile. The picture is printed below a heading as follows:

Unemployed hunt for food in garbage dump.

Under the picture I find this language—I will omit the name of the city, but will say it is not in the agricultural West, but is in the industrial East—

A food station for the unemployed of ——. To this garbage dump at Commerce and Silver Streets every morning come women and children, and occasionally some men, to rummage for a few odds and ends of refuse to make a day's meal. Débris from the markets is dumped here after it has been swept up by street cleaners. Often youngsters eat fruit directly from the pile without first taking it home to be washed, as most women do. The picture was taken last week by a photographer of ——.

Mr. President, the present condition of depression is not limited to any one class; it has reached every class of our citizenship.

On yesterday I sent out telegrams to some of the great insurance companies of the country in order to ascertain how the insurance companies are taking care of this situation. I have only one or two replies, but desire to call attention to such replies. I have a reply from a large life-insurance company with headquarters in the central West as follows:

Number of policy loans made averaged 2,300 each month since October, 1929, and 2,500 for this October and November.

From a large insurance company located in the Northwest I have this message:

The number of applications for policy loans during past 14 months exceeds any previous experience and the period of heavy demand is longer. The third week, November, 1930, brought largest number of applications in history of company.

I likewise have a report from a large insurance company with headquarters in the northeastern part of the United States, and from that message I read the following statement:

We are pleased to reply to your inquiry as follows: With total insurance in force of \$1,250,000,000 we have outstanding cash policy loans amounting to approximately \$45,250,000. Year 1930 to date records some 24,000 individual loans, amounting to some \$9,000,000, which is a 5 per cent increase over a like period in 1929.

Mr. President, before the policyholders appeal to the insurance companies for loans, as a rule, they have exhausted other means of securing assistance and help. They first go to the banks and draw out their deposits, and when the deposits are gone they negotiate loans. When the deposits are gone and loans are unobtainable, then they go to their insurance companies and ask for relief.

We recently had an election. I am not inclined to ascribe the reasons for the results in that election to opposition to the tariff or opposition to the policy of the Federal Farm Board. I think the reason for the change of so many votes was dissatisfaction, the vision of threatened bankruptcy, the existing condition of unemployment, the vision of a hard winter without work, with hunger and actual suffering.

Most of us have just come from our States. I realize, Mr. President, the deadening effect that the luxury and the environs of this Chamber are sometimes alleged to have upon the Members who have the privilege of sitting here. Before that effect has completely deadened the minds of the Members, if it has that effect, I desire to have considered by the Senate the matter of doing something to help those of our people who are unemployed, cold, and even hungry. Before the memory of scenes of rags and bare feet and hunger that many of us have just witnessed in our respective States fades from our minds, I want the Senate to take some active steps to bring about relief.

I know that there are numerous bills pending upon the calendar. Mr. Green, the head of the American Federation of Labor, is asking Congress to speed up these bills. Congress is a rather large and numerous body; and what is everybody's business is nobody's business. There is no one Member upon this floor to whom anyone can go and ask that he get busy and try to speed up these bills, for the reason that the bills are scattered through numerous committees of the Senate. No one feels any special responsibility for taking up these measures. Those on the Appropriations Committee feel a regular responsibility to take up and consider bills pending before that committee, and those on the Agricultural Committee likewise feel a regular responsibility to take up the bills pending before that committee and consider them; but to the end that a special responsibility may be placed upon some Members of the Senate, I have pending upon the desk a resolution proposing to create a special select committee to be appointed by the President of the Senate. This committee is to be made up of what, in the estimation of the President of the Senate, would be the best possible membership to select.

We have a leader on the Republican side and likewise a leader on the Democratic side. The President would have the power under this resolution to place those two gentlemen on this committee. We now have among us as the junior Senator from Pennsylvania a Senator who formerly was the Secretary of Labor in the Cabinet of the President. He could render most important service upon this committee. It would be my idea that the older Members of this body, those who know what should be done and how to do it, should be placed upon such committee.

Mr. President, to the end that no deserving person should be permitted to suffer because of hunger and cold, I now ask unanimous consent for the consideration of Senate Resolution No. 338.

The VICE PRESIDENT. Is there objection?

Mr. COUZENS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. COUZENS. If that consent is given, will it displace the unfinished business?

The VICE PRESIDENT. If the resolution is taken up by unanimous consent, it will not displace the unfinished business.

Mr. BORAH. I should like to have the resolution read.

The VICE PRESIDENT. Let it be read.



The Chief Clerk read Senate Resolution 338, submitted by Mr. THOMAS of Oklahoma on the 2d instant, as follows:

*Resolved*, That a special select committee on emergency and relief legislation be, and is hereby, created; such committee to consist of 11 members, to be appointed by the President of the Senate as follows: 6 members from the majority party and 5 members from the minority party.

Immediately upon appointment the members shall meet and organize such committee and, when organized, said committee shall have power coequal with regular Senate committees and shall have jurisdiction of emergency and special relief legislation, including proposals for the authorization of appropriations.

When organized such committee shall report to the Senate its plan of organization and location.

Mr. BORAH. Mr. President, is it the purpose of the Senator by this resolution to take the various bills on this subject out of the hands of the committees that now have them and turn them over to this committee?

Mr. THOMAS of Oklahoma. I will answer that question in the negative. My purpose is that if the author of any bill believes that the subject of his proposed legislation is of great importance, and that he could get more speedy action by having the bill referred to this special committee, it would be up to him to initiate that transfer. Otherwise the regular committee would handle the legislation. The committee is to have charge of only those bills that are in the nature of relief and special emergency legislation, and to the end that one committee may consider the whole subject and bring about a program that will take care of every section and every class of our people, so that no one shall be left out.

Mr. BORAH. Does the Senator want to get the legislation passed at this session?

Mr. THOMAS of Oklahoma. I most certainly do; and I think this class of legislation should come up first.

Mr. BORAH. I do not think, myself, that we will make any progress in this way.

Mr. COPELAND. Mr. President, I have been very much touched by what the Senator from Oklahoma [Mr. THOMAS] has said. I agree with all he has said. There was just one issue in the last campaign, as I see it. It was the issue of unemployment.

Speaking for my State, I want to say that never since I have known it has there been such distress as at the present time. When I walk down Sixth Avenue and see the great crowds of people in front of the employment bureaus, and when I witness, as I do, in my own office the multitudes of people seeking work, the thing goes straight to my heart.

If the plan proposed by the Senator from Oklahoma has in it the possibility of a coordination of these efforts to give relief, I think the Senate should give it consideration. There is always the danger, when these various bills are passed about—one bill to one committee, and another to another—that there may be an overlapping of effort, and there may not be the coordination which is necessary to the relief of the present situation.

I can not speak too strongly in support of any measure which has in it the hope of relief of the present situation. It is a terrible thing to think that four or five millions of workers are without opportunity to earn a living; and that means that that many families or millions of families in this country are without means of support. For myself, I think I can see the wisdom of what the Senator from Oklahoma proposes. As he has already explained, if for any reason a Senator who has a bill desires to send it to a particular standing committee, all right; but there ought to be some one group in this body giving thought to this most essential thing, the most important thing now pressing itself upon the American people.

The VICE PRESIDENT. Is there objection to the request of the Senator from Oklahoma?

Mr. JONES. Mr. President, it seems to me this resolution would only complicate matters. If it develops that the standing committees are neglecting their duties and responsibilities, then it may be time enough to consider a proposition of this kind. I think the resolution should go to the Committee on Rules, anyhow; so I object to its present consideration.

The VICE PRESIDENT. The Senator from Washington objects.

Mr. McKELLAR. Mr. President, while we are talking about unemployment I desire for a very brief period, not more than five or six minutes, to call the attention of such Senators as are here to a measure that I introduced day before yesterday on the subject of unemployment. I am going to read the first two sections of the bill and then I wish to explain very briefly what it is:

That there is hereby appropriated, out of any sums in the Treasury not otherwise appropriated, the sum of \$250,000,000, or so much thereof as may be necessary, to be expended as provided in this act.

SEC. 2. That the county courts, county commissioners, or other governing authorities of each of the several counties in the United States, are hereby authorized and empowered to rent such necessary implements and to employ as many as 300 men, not now employed, at \$3 per day for a period of three months of January, February, and March, 1931, for the purpose of surveying, grading, or building new post roads, or improving, separating grades, or concreting post roads already built, such post roads to be selected by said county court, commission, or other governing authority in each of the said counties in the United States: *Provided*, That in the counties where snow, ice, or other weather conditions prevent daily work during January, February, and March, 1931, on such post roads the time of such work may be extended by the governing authorities of said counties so that at least 75 working days may be allotted to each county.

Now, Mr. President, I desire to explain what I think should be done in this emergency.

We have a condition that confronts us right now. If we are going to help the unemployed in this country, the time to do it is in January, February, and March. It is a pity that it can not be done for this month; but the greatest suffering will occur during the months I have just mentioned. This bill will provide employment for about 1,000,000 men and it will cost something over \$200,000,000. There can not be any politics about it. There can not be any factional troubles about it, because it will apply to every county in the United States. There are 3,057 counties in the United States, and the sum of money that is to be appropriated will have the effect not of giving out doles, not of contributing charity to people, but of giving them work, and the best and most practical kind of work—work in the open air, work for which they will be paid a wage that they can actually live on. It must go to unemployed persons, and it is to be turned over to the various counties of the United States for the purpose of enforcing it. If this bill should be enacted into law, it would not only give this work speedily but it would furnish the means for people to live on and would lead to the United States obtaining good roads and better roads.

Mr. GOFF. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. GOFF. Does the Senator's bill make any provision for employment in case there is no necessity existing in these counties for the character of work he has just mentioned?

Mr. McKELLAR. No. I will state the reason why that is not done. The Senator will see from reading the bill that it provides for work on post roads. Congress has the constitutional right to do this work. No constitutional question can be raised.

Mr. GOFF. I am not raising that question. I quite agree with the Senator; but if there is no necessity for doing that species of work, then I desire to know what provision the Senator makes for the employment of the unemployed.

Mr. McKELLAR. I shall be delighted to answer the Senator's question. There is always work to be done in the maintenance of roads, even if not building new ones. It seems to me there can be no question that this will be the best possible method of contributing to taking care of the unemployed, and the United States will get value received for every single dollar that is expended.

Mr. SHORTRIDGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Tennessee yield to the Senator from California?

Mr. McKELLAR. In just a moment. Not only that, but the money will be distributed throughout the country.

It may be said, "In some counties there may not be 300 unemployed." If not, under the provisions of the bill unem-



played persons from other counties of the same State can be employed. There is another provision that makes it certain that no part of the appropriation can be spent in overhead. It must be spent by the county courts or the county commissioners or the boards of supervisors or other county authorities.

Mr. CARAWAY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. CARAWAY. I have no question but that that would help; but is the Senator aware that there is a very great body of people who could not avail themselves of that employment, and yet they are the worst sufferers from this depression?

Mr. McKELLAR. I am aware, for instance, that there are a great many deserving women out of employment who probably could not be employed under this bill.

Mr. CARAWAY. Yes, sir.

Mr. McKELLAR. There are a great many other people, men who would not be able to do work of this kind.

Mr. CARAWAY. They are not able to do it. Then there are widows who are the heads of families.

Mr. McKELLAR. Those people will have to be taken care of by the charitable organizations; but this bill will give employment at a reasonable wage to at least a million people in the United States who need that employment, who are worthy to be employed, and who could be employed under the terms of the bill. It would not provide for everybody.

I am told that there are probably three or four million unemployed. Some contend there are more than that number. This bill will only provide for 1,000,000 of the unemployed; but to that extent it will be very widely distributed, the work will be done, and benefits will come to the United States. It will not be charity; and it does seem to me that some such thing ought to be done.

Mr. President, the first question is, where are we to get the money? I am going to read just one provision of the bill on that subject. Section 7 provides—

That in order to finance the said work on post roads as herein set forth, the Secretary of the Treasury is hereby authorized and directed to set apart and use so much of the interest and payments due the United States by foreign governments as may be due and payable and collected during the calendar year of 1931; and should not a sufficient amount of such interest be available at any time during the progress of this work for carrying the same on, the Secretary of the Treasury is authorized and directed to issue short-term notes under terms and conditions as now provided by law and to pay the same out of the collection of such interest on said foreign debts as soon as the same may be paid in; and any law directing a different application of such interests and payments is hereby suspended for the calendar year of 1931.

Mr. President, we now apply the interest collected and payments made on foreign debts to the reduction of our national debt. We are reducing it very rapidly. It seems to me that in the interest of employment we might readily devote \$250,000,000 from those payments to the relief of the unemployed in this country, and especially where the Government would get absolute value for every dollar, because it will be found that under the provisions of this bill not one single dollar of the money is to be spent for overhead, and guaranties are made that it will be honestly and properly spent.

I want to read in this connection section 8, which provides:

That no compensation shall be paid to the county courts, county commissions, or other governing authorities, for employing men under this act, or for laying out and superintending the work of such post roads, or for drawing checks, or for making reports, or for the hiring of teams and implements as herein provided; nor shall any compensation be paid to the United States banking depositories for paying out such funds; it being the object and purpose of this act to contribute the money herein provided to improving post roads in the several counties of the United States on condition that the counties do and perform the services required of them under this act and to the end that no part of the sums herein appropriated shall be expended for overhead charges, but all of said moneys appropriated may be applied to the work and labor done in building said post roads.

Mr. President, in this brief way I call this bill to the attention of Senators who are here this afternoon. There

is a copy of the bill on the desk of each Senator. It is in the interest of the unemployed. If the bill were enacted into law, it would take care of a million of the unemployed in this country for a brief period, providing them with honest work, extending no charity, no dole. I ask Senators to take the bill home with them to-night and read it, and see if they are not in favor of the passage of such a measure.

I ask to have the bill printed in the RECORD as it was introduced.

The VICE PRESIDENT. Is there objection?

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

(S. 4938)

A bill providing for the construction and improvement of post roads in the several counties in the United States for the relief of unemployment, and for other purposes

*Be it enacted, etc.,* That there is hereby appropriated, out of any sums in the Treasury not otherwise appropriated, the sum of \$250,000,000, or so much thereof as may be necessary, to be expended as provided in this act.

Sec. 2. That the county courts, county commissioners, or other governing authorities of each of the several counties in the United States are hereby authorized and empowered to rent such necessary implements and to employ as many as 300 men, not now employed, at \$3 per day for a period of three months of January, February, and March, 1931, for the purpose of surveying, grading, or building new post roads, or improving, separating grades, or concreting post roads already built, such post roads to be selected by said county court, commission, or other governing authority in each of the said counties in the United States: *Provided*, That in the counties where snow, ice, or other weather conditions prevent daily work during January, February, and March, 1931, on such post roads, the time of such work may be extended by the governing authorities of said counties so that at least 75 working days may be allotted to each county.

Sec. 3. That the Secretary of the Treasury, upon the approval of this act, shall cause to be estimated, as nearly as possible, the amount of money to be expended in each State as herein provided and shall place the same in such national bank depositories as may be most accessible and convenient for the carrying on of such work, and checks shall be drawn on said fund by the chairman of the county court, or the commission, or other governing authority in such county, which checks shall be honored by said depositories; and attached to each check shall be a statement giving the name of the person employed, the number of days or hours employed, and in what county employed, or what teams and implements rented; and should any county chairman, commission, or other governing authority, make any misrepresentation as to such employment of the time when such persons may be employed or the amount of rental or character of teams or implements rented, the county represented by such offending chairman, commission, or other governing authority, shall be liable to the United States for the amount involved in such deception or wrong and a suit may be prosecuted by the United States district attorney in any district court of the United States in which such county is situated to recover the same.

Sec. 4. That in the event the said county court, commission, or other governing authority, is unable to find as many as 300 persons unemployed in their respective counties, they are hereby authorized and directed to employ unemployed persons from other counties within the same State who may be desirous of work.

Sec. 5. That said counties where they own the necessary teams, implements, and the like shall furnish, free of charge, plows, teams, scrapers, spades, shovels, picks, drills, and other implements necessary for the purpose of carrying on the work of grading, cutting out, building, or improving roads as herein provided; but where such counties do not own such teams and implements they are authorized hereby to rent the same and pay a reasonable rental for such teams and implements not exceeding the market rental price of such teams, implements, and the like, and they may draw checks in payment of such rentals in the same way as they draw checks for wages as provided in section 2 of this act: *Provided*, That in each case they shall attach to said check a full statement showing the implements and teams rented and the rates of rental.

Sec. 6. That the hours of work shall be an 8-hour day; that the heads of families are to be preferred in securing workers; that women may be employed where the work is suitable to their capabilities; that in the employment of teams those engaged in agricultural work shall be preferred; and all work shall be superintended by such county officials or engineers as the county court, county commission, or other governing authority may designate; which officials or engineers shall have actual superintendence of the work and shall make complete and detailed statements of same which shall be furnished the Clerk of the House of Representatives of the United States within 10 days after the close of each month, giving a detailed description of the roads built or improved; the number of miles constructed or improved; the kind of work done; the teams and implements used; and all the details concerning the same.

Sec. 7. That in order to finance the said work on post roads, as herein set forth, the Secretary of the Treasury is hereby authorized and directed to set apart and use so much of the interest and



payments due the United States by foreign governments as may be due and payable and collected during the calendar year of 1931; and should not a sufficient amount of such interest be available at any time during the progress of this work for carrying the same on, the Secretary of the Treasury is authorized and directed to issue short-term notes under terms and conditions as now provided by law and to pay the same out of the collection of such interest on said foreign debts as soon as the same may be paid in; and any law directing a different application of such interests and payments is hereby suspended for the calendar year of 1931.

SEC. 8. That no compensation shall be paid to the county courts, county commissions, or other governing authorities for employing men under this act, or for laying out and superintending the work of such post roads, or for drawing checks, or for making reports, or for the hiring of teams and implements as herein provided; nor shall any compensation be paid to the United States banking depositories for paying out such funds; it being the object and purpose of this act to contribute the money herein provided to improving post roads in the several counties of the United States on condition that the counties do and perform the services required of them under this act, and to the end that no part of the sums herein appropriated shall be expended for overhead charges, but all of said moneys appropriated may be applied to the work and labor done in building said post roads.

SEC. 9. That where an independent city takes the place of a county in any State such independent city shall be considered a county under the terms of this act and entitled to all the benefits provided therein and subject to all the limitations.

Mr. McKELLAR. I also ask to have printed in the RECORD an editorial from the Washington Herald of this morning.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Herald, December 4, 1930]

WHERE MR. HOOVER IS WRONG

To relieve unemployment, President Hoover recommends that Congress appropriate from \$100,000,000 to \$150,000,000 to expedite the building of public works already authorized.

This is a wise and patriotic recommendation.

It has met with no opposition in either House.

But the Democratic leaders of the House have been quick to oppose Mr. Hoover's extraordinary, undemocratic proposal that Congress abdicate to a Cabinet committee the power to determine the distribution of this large sum.

To Congress, and not to the President, the Constitution gives the power to provide for the common defense and general welfare and definitely the power to control the purse strings of the Government.

Mr. Hoover's proposal violates one of the most fundamental principles of the American system of government.

Under that American system, the legislative branch is the "policy-determining" as well as the fund-raising and fund-granting organ of the Government.

But Mr. Hoover would change this and give to a committee of his own Cabinet the determination of policy involved in the decision as to what public works shall be expedited and how much shall be expended on each class of work and in each section.

Were Congress to abdicate, as Mr. Hoover requests, he would become the general manager of the Government and Congress would be reduced to the level of a board of directors of a business corporation.

If Mr. Hoover had properly discharged the responsibility which is properly his as the framer of the Budget, he would have submitted to the Congress with his recommendation a specific program showing how and where he wished the emergency appropriation to be expended.

Congress never has delegated to the President in time of peace the extraordinary power which Mr. Hoover asks, and never except in war should such a request be granted or even made.

In opposing the method by which Mr. Hoover proposes to go to the relief of the unemployed, the Democratic leaders of the House have the Constitution and the wisdom of experience on their side. They deserve the cooperation of all Senators and Representatives who believe in the Government established by the Constitution.

We are not living in the days of Charles I of England, who dissolved his Parliament when they refused him the appropriations he asked; who governed without Parliament for 11 years and came to grief as a result. We are not living under an European system of government or a Central American dictatorship.

We are living under the Government of the Constitution, and the American people have a right to demand that their public affairs shall be ordered as the Constitution provides.

Mr. McKELLAR. Mr. President, the President has sent to the Congress a message asking for the appropriation of \$150,000,000, to be turned over to a committee of the Cabinet to take some vague, indefinite steps for the relief of the unemployed in this country. Is any scheme provided? None at all.

How is the President to divide up the money if we give it to him? How is he to distribute it if we appropriate it for

him? How much of it is to be spent on overhead if we hand it over in the way he requests it? It is the duty of the Congress to find some method of looking after the unemployed in this country. It is our duty to say how the money we appropriate shall be expended. We should not turn it over in a lump sum to the President, or to anyone else, to determine how it shall be spent, where it is to be spent, in what sums it shall be spent, in what localities it shall be spent.

Mr. President, we shall never get anywhere in helping the unemployed by such a method. If we appropriate money in that way, it will be purely a charity. We ought to adopt some scheme, not charitable in its application but which will furnish employment for the unemployed, furnish work for those who want to work, and this measure will furnish it in a very marked degree. It will certainly take care of from one-third to one-fourth of the unemployed in this country. It will mean the expenditure of a large sum of money, it is true, but it will be spent proportionately in all the States, in every county in the United States. There will be no doling of it, there will be no expenses to be paid out of it, we will not have any commission, but we will just use the instrumentalities which we already have. If we can not trust our county courts and county commissions, our boards of supervisors, and our other governmental authorities, whom can we trust? They have been elected by the people; they are the people who ought to have control of such an activity. Under any circumstances, if we appropriated the money in a lump sum, it would have to be turned over to some local organization in order properly to handle the sums, and it seems to me that this, safeguarded as it will be if this bill shall pass, will be the proper way and the best way to handle the situation for the present.

Mr. CARAWAY. Mr. President, there can be no doubt in anybody's mind of the unwisdom of the objection that was offered to the present consideration of the resolution submitted by the Senator from Oklahoma [Mr. THOMAS], because everybody realizes that the objection would result in the resolution being sent to the Committee on Rules, and that would kill it. That was the intention and that would be the effect of it.

Any measure which might result in taking care of one situation may leave another that is serious unprovided for. The employment of mechanics does not relieve agriculture, nor does the employment altogether of people upon public highways relieve the people living in the communities contiguous to the highways. There are men who would not be able to avail themselves of such an opportunity to work if it were granted to them. There are women, heads of families, who certainly are entitled to as much consideration from this Government as the men are entitled to receive it.

The President's program evidently looks toward a big building program. A man who is not a builder, who can not lay brick, or plaster a building, would not be helped by that. Therefore the wisdom of the resolution offered by the Senator from Oklahoma is apparent. If a special committee were created to which might be referred measures which would be in the control of a sufficient number of Senators so that they would have a comprehensive knowledge of the entire situation, we might hope for some kind of legislation. There would be no objection to the consolidation of all these measures in one bill, and it would expedite action tremendously.

In fact, there is not a bill pending on the calendar in the Senate which, if enacted into law to-day, would adequately meet the situation, nor would all of them, if enacted, meet it, because each is designed to take care of some peculiar situation, and leaves out of consideration altogether other equally deserving classes, classes which are equally depressed and equally in need of assistance.

As I said, however, when an objection was made to the creation of this committee, it was done with full knowledge of the fact that that killed the resolution. It leaves without any hope of redress the very great number of worthy citizens of the United States who are not responsible at all for the situation which now renders them all but paupers, if not entirely so.



Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. McKELLAR. And it may jeopardize any relief of any kind to any number of our citizens.

Mr. CARAWAY. Every Senator on this floor realizes the danger of having a number of relief bills, each supported by an aggressive, determined group, one fighting the other for a right of way, and, as the Senator from Tennessee so aptly remarks, which may result in the defeat, or at least in so modifying each one of the pending bills, that no one will get any very great relief from them.

I can not conceive of any objection on the part of anyone to a committee which could view the whole situation, which at least, whether it obtained jurisdiction of these bills or not, would have the bills before it, and see how far they took care of the entire situation. They might initiate legislation which would be more helpful than all the pending bills, and doubtless would. But, of course, for reasons we do not understand, objection is made.

Mr. COPELAND. Mr. President, is it not exactly as in a community? Every great city in the country now, instead of leaving every social-service body to work alone, has appointed a central committee.

Mr. CARAWAY. To coordinate activities.

Mr. COPELAND. Yes; to coordinate activities. It would seem to me that the same good sense should be used here.

Mr. CARAWAY. The Senator from Oklahoma called attention to the citizens in some eastern industrial city who were looking for something to eat, and consuming unwholesome food, or something of that kind. I do not know what the situation is in the industrial centers; I could not know from personal knowledge; but I do know what the situation is in my own State, and if anyone imagines that he can relieve suffering and prevent actual loss of life by passing a building program, he does not know anything about the situation in that particular State. As my colleague was reported in the papers this morning as saying how utterly foolish it would be to provide for feeding a mule next spring when the owner of the mule would be permitted to starve this winter.

I am not trying to indulge in any theatricals. I know how easy it is to pretend that such calamities have overtaken communities and be thought to be enlarging upon them for reasons not entirely worthy. But I know what the situation is in my State.

I talked to a farmer not a great while ago whom I have known for a number of years. He and his wife and two children made a crop this year. They cultivated 33 acres of land, 15 acres of it in cotton and 18 acres of it in corn. He made less than two bales of cotton, and sold them for less than \$70. He made 25 bushels of corn, and every grain of it has already been consumed. He owes rent of \$4.50 an acre on the land. Those crops represented 12 months' employment of the entire family. The return would not feed them for a month.

Mr. President, the sources of credit are dried up, in the agricultural sections, at least. There is not a bank I know of that would lend anybody any money if it could not be returned within 30 or 60 or 90 days. There is no long-time credit available anywhere, and everybody knows that if three months' credit is extended to a farmer it is really a denial of credit altogether, because he has no source of revenue from which he could pay the interest, much less the principal.

Therefore, in the great body of the agricultural section of the country, and that is the section for which I am now trying to speak, they have nothing. Their gardens were burned up; their livestock died; there was no fruit. There is no source from which they have heretofore drawn some means of livelihood to which they can now turn, and there is no credit. There is not enough on many of the farms to take care for 30 days of the people who live upon them.

That is the situation which confronts us. Are we going to sit here and, for some reason for which we are not quite prepared, object to the actual consideration of a situation

which exists and has existed for weeks—object to the formulation of some legislation that might render it possible for those people to escape deprivation and want if not actual starvation? That is the situation which confronts us and we need not try to avoid it.

#### MOTOR-BUS TRANSPORTATION

The Senate resumed the consideration of the bill (H. R. 10288) to regulate the transportation of persons in interstate and foreign commerce by motor carriers operating on the public highways.

Mr. WATSON. Mr. President, what is the parliamentary status of the bill?

The VICE PRESIDENT. The question is upon agreeing to the motion of the Senator from South Carolina [Mr. SMITH] to recommit the bill.

Mr. SMITH. Mr. President, before the vote is taken upon that motion I should like to call the attention of the Senate to the fact that even the committee reporting on the bill as submitted to the Senate was practically evenly divided. The minority lacked one, I believe, of being equal in number to those who, tentatively at least, advocated the reporting of the bill to the Senate. I am sure that time will be saved and no delay will be incurred by sending the measure back to the committee for them to take into consideration the suggestions which have been made both from the floor and from outside and endeavor to formulate a bill which will more nearly meet the conditions which are involved in the legislation. In my opinion it is one of the most serious questions that has come before this body.

Mr. COUZENS. Mr. President, as I said, I do not charge anybody with bad faith, but if there is any desire to get legislation at this session of Congress, the questions which have been discussed on the floor of the Senate can be determined in conference and presented to the Senate in the conference report. There is no more reason for recommitting the bill for consideration the second time than there is to kill the bill entirely. If it is the desire to kill the bill, let us vote it down. There is absolutely no reason for recommitment.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from South Carolina [Mr. SMITH] to recommit the bill.

Mr. McNARY. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Kean	Sheppard
Barkley	Frazier	Kendrick	Shipstead
Bingham	George	Keyes	Shortridge
Black	Gillett	King	Simmons
Blaine	Glenn	La Follette	Smith
Blease	Goff	McGill	Steck
Borah	Goldsborough	McKellar	Steiwer
Brock	Gould	McMaster	Stephens
Brookhart	Greene	McNary	Thomas, Idaho
Broussard	Hale	Morrow	Thomas, Okla.
Bulkeley	Harris	Moses	Townsend
Capper	Harrison	Norbeck	Trammell
Caraway	Hastings	Norris	Tydings
Carey	Hatfield	Oddie	Vandenberg
Connally	Hawes	Overman	Wagner
Copeland	Hayden	Patterson	Walcott
Couzens	Hebert	Phipps	Walsh, Mass.
Cutting	Heflin	Pittman	Walsh, Mont.
Davis	Howell	Reed	Watson
Deneen	Johnson	Robinson, Ark.	Wheeler
Fess	Jones	Schall	Williamson

The PRESIDENT pro tempore. Eighty-four Senators having answered to their names, a quorum is present. The question is upon agreeing to the motion proposed by the Senator from South Carolina [Mr. SMITH] to recommit the bill.

Mr. SMITH. Let us have the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. STEPHENS (when his name was called). On this vote I have a general pair with the junior Senator from Indiana [Mr. ROBINSON]. I therefore withhold my vote. If permitted to vote, I should vote "yea."



Mr. THOMAS of Oklahoma (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. WATERMAN]. I understand that if he were present he would vote "yea." If I were permitted to vote, I would vote "nay."

The roll call was concluded.

Mr. TYDINGS. On this vote I have a general pair with the senior Senator from Rhode Island [Mr. METCALF]. I understand that if he were present he would vote as I shall vote. I vote "yea."

Mr. JONES (after having voted in the negative). The senior Senator from Virginia [Mr. SWANSON] is necessarily absent. I promised to take care of him with a pair for the day. I understand, however, that if he were present he would vote as I have voted. Therefore I will allow my vote to stand.

Mr. BINGHAM. Has the junior Senator from Virginia [Mr. GLASS] voted?

The PRESIDENT pro tempore. That Senator has not voted.

Mr. BINGHAM. I have a general pair with the junior Senator from Virginia [Mr. GLASS]. Not knowing how he would vote, I withhold my vote.

Mr. SHEPPARD. I wish to announce that the senior Senator from Louisiana [Mr. RANDELL] is necessarily detained from the Senate on official business. If present, he would vote "nay."

Mr. FRAZIER. I desire to announce that the junior Senator from North Dakota [Mr. NYE], the junior Senator from Vermont [Mr. DALE], and the junior Senator from Washington [Mr. DILL] are necessarily absent from the city on business of the Senate.

The result was announced—yeas 51, nays 29, as follows:

#### YEAS—51

Black	Glenn	Kendrick	Sheppard
Blease	Goff	Keyes	Smith
Brock	Goldsbrough	King	Steck
Brookhart	Greene	McGill	Steiner
Bulkeley	Harris	McKellar	Townsend
Carey	Harrison	McMaster	Trammell
Connally	Hastings	Moses	Tydings
Copeland	Hatfield	Norbeck	Wagner
Deneen	Hawes	Oddie	Walcott
Fess	Hayden	Patterson	Walsh, Mass.
Frazier	Hebert	Philpps	Walsh, Mont.
George	Heflin	Pittman	Wheeler
Gillett	Howell	Reed	

#### NAYS—29

Barkley	Davis	McNary	Simmons
Blaine	Fletcher	Morrow	Thomas, Idaho
Borah	Gould	Norris	Vandenberg
Broussard	Hale	Overman	Watson
Capper	Johnson	Robinson, Ark.	Williamson
Caraway	Jones	Schall	
Couzens	Kean	Shipstead	
Cutting	La Follette	Shortridge	

#### NOT VOTING—16

Ashurst	Dill	Pine	Stephens
Bingham	Glass	Randell	Swanson
Bratton	Metcalf	Robinson, Ind.	Thomas, Okla.
Dale	Nye	Smoot	Waterman

So the bill was recommitted to the Committee on Interstate Commerce.

#### PROPOSED SPECIAL COMMITTEE ON RELIEF LEGISLATION

Mr. THOMAS of Oklahoma obtained the floor.

Mr. HOWELL and Mr. JONES addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Nebraska or to the Senator from Washington?

Mr. THOMAS of Oklahoma. I desire to make a motion. I move that the Senate now proceed to the consideration of Senate Resolution 338.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Oklahoma.

Mr. McKELLAR. I ask that the resolution may be read.

The PRESIDENT pro tempore. The resolution will be read for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 338) submitted by Mr. THOMAS of Oklahoma on December 2, as follows:

*Resolved*, That a special select committee on emergency and relief legislation be, and is hereby, created; such committee to

consist of 11 members to be appointed by the President of the Senate, as follows: 6 members from the majority party and 5 members from the minority party.

Immediately upon appointment the members shall meet and organize such committee and, when organized, said committee shall have power coequal with regular Senate committees and shall have jurisdiction of emergency and special relief legislation, including proposals for the authorization of appropriations.

When organized such committee shall report to the Senate its plan of organization and location.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. HEFLIN obtained the floor.

Mr. HARRISON. Mr. President, may I ask the Senator from Oklahoma a question?

Mr. HEFLIN. If the Senator from Mississippi will pardon me for just a moment, I wish to ask the Senator from Oklahoma if the creation of the proposed committee will delay action upon relief measures already introduced and referred to other committees?

Mr. THOMAS of Oklahoma. Mr. President, my idea is, unless the author of a particular bill desires its reference changed from some existing committee that it will remain in the committee where it is now pending; but if its author desires that the reference be changed and that the bill be transferred to the special committee, he can make that request; and, if agreed to, of course it will be so ordered.

Mr. HEFLIN. I think the proposition made by the Senator is a good one, but there has already been introduced a bill for the relief of the drought-stricken States, which has been referred to the Committee on Agriculture and Forestry, and I would not want to see that bill held up by being referred to another committee.

Mr. HARRISON. Mr. President, I should like to ask the Senator from Oklahoma a question. The committee he proposes is merely to be an emergency committee, is it?

Mr. THOMAS of Oklahoma. Yes; it is to last only during the present session.

Mr. HARRISON. The Senator does not propose to change the Rules of the Senate to constitute the special committee?

Mr. THOMAS of Oklahoma. It is proposed that the special committee shall be created for this session of Congress only.

Mr. HARRISON. Of course, the Senator has taken into consideration the fact that we have two more years of Republican control under the present President. The Senator is not asking that the special committee shall act during those two years?

Mr. THOMAS of Oklahoma. No; unless the depression continues; then we might continue it later on.

Mr. REED. Mr. President, will the Senator from Oklahoma yield for a question?

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Pennsylvania?

Mr. THOMAS of Oklahoma. I yield.

Mr. REED. I should like to ask the Senator whether it is not true that some measures for the relief of agriculture and relief in other directions are already under inquiry by the Committee on Agriculture and Forestry?

Mr. THOMAS of Oklahoma. I am a member of that committee, and to date we have had no hearings on relief measures.

Mr. REED. Have not meetings been arranged for next week for hearings on some of those bills?

Mr. THOMAS of Oklahoma. I have no notice to that effect, but undoubtedly that is so.

Mr. REED. Has the Senator any idea that those bills will be taken from the Committee on Agriculture and Forestry and referred to the new committee?

Mr. THOMAS of Oklahoma. No; unless the authors of the bills so desire. I have no intention of providing any new system, but I want a system under which every relief measure may be promptly considered. I want to see to it, if I can, that every person who is in need shall have a chance to be heard.

Mr. REED. I should like to ask also about public buildings. Some measures affecting the public building program have been under consideration for years by the Committee



on Public Buildings and Grounds; would the Senator's special committee take over part of that program?

Mr. THOMAS of Oklahoma. I should have confidence in any committee that may be appointed by the Chair. The majority of the committees will be composed of Members on the Senator's side, and the chairmen of the committees will be selected from his side of the Chamber. So I think there can be no fear interjected in connection with this proposition that anything unfair is going to be done.

Mr. REED. I have no fear about the integrity of the committee that may be appointed, but I have some apprehension about their familiarity with the subjects involved. The Committee on Public Buildings and Grounds have studied the questions before them.

I do not pretend to have any special knowledge on the subjects mentioned. But take another subject, the Army housing program, which is under the jurisdiction of the Committee on Military Affairs. That program has been studied for years and has been carried on in an effort to build consistently. I should be very sorry to see that turned over to a committee that had not had an opportunity to study it, although it might be an abler committee or a much more intelligent committee than the Committee on Military Affairs. I hope, Mr. President, that we will not disturb the orderly progress of the measures providing for public buildings and other employment relief measures by the creation of a committee, which necessarily must begin at the bottom and educate itself before it can act with any great degree of intelligence.

Mr. BORAH. Mr. President, I am interested in knowing as to the jurisdiction of the proposed special committee if it shall be appointed. As I understood the resolution when it was read, all legislation in the nature of emergency legislation, and so forth, would have to go to the special committee.

Mr. THOMAS of Oklahoma. No. The committee will have jurisdiction over emergency and special relief legislation, but the resolution does not say all such measures.

Mr. BORAH. How would it be determined whether a bill was going to a regular committee or to the special committee?

Mr. THOMAS of Oklahoma. As a rule, bills introduced contain a notation of the committee to which the authors desire them to be referred.

Mr. BORAH. That is under the regular system and under the established committees.

Mr. THOMAS of Oklahoma. I take it that rule would still be followed.

Mr. BORAH. But, for instance, suppose there is a bill pending before the Committee on Agriculture and Forestry, or it is proposed to introduce a bill which relates to agricultural relief, if on introducing it I desire that it be sent to the Agricultural Committee, then would it be possible for me to have it sent there or would the new committee take charge of it if it desired to do so?

Mr. THOMAS of Oklahoma. I would say that the Senator, in conjunction with the Presiding Officer, would have exclusive jurisdiction, in the absence of a vote of the Senate.

Mr. BINGHAM. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. BORAH. I will yield in just a moment. I have not any doubt about the good intentions of the Senator from Oklahoma, and his desire to speed proposed relief legislation, but it is my candid belief that the adoption of the resolution will only complicate matters, and that we will make much slower progress by undertaking to refer all such measures to one committee, a special committee, than to permit the regular committees to go ahead and discharge their duties with reference to the respective bills which will be before them. I am satisfied, should the Senator's resolution be adopted, it would delay matters rather than hasten them.

Mr. BINGHAM. Mr. President, may I ask the Senator from Idaho a question?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. BORAH. I yield.

Mr. BINGHAM. The Senator has been here so much longer than most of us that I should like to ask him for an interpretation of the words "shall have jurisdiction of." That is an unusual phrase, and I think it is not used in the rules regarding committees.

Mr. BORAH. I suppose it means, of course, that the special committee shall have authority primarily to deal with legislation which has been denominated "emergency relief legislation."

Mr. BINGHAM. If this committee is to have that jurisdiction, then, would it be within the province of a single Senator introducing a bill to ask that it be referred to another committee?

Mr. BORAH. I hardly think so.

Mr. NORRIS. Mr. President, I do not believe there is any disagreement in the Senate as to what we desire to do. I think there is no Senator who is opposed to any proposition that will give a fair opportunity for the consideration of any measure proposing relief in the unemployment situation and in relation to kindred matters. In that connection let me say that, of course, the Senator from Oklahoma is moved by the very highest and loftiest of motives. He desires to have one committee consider all such measures. A special committee that is appointed ordinarily has some particular thing in view; usually it is something that does not properly come within the jurisdiction of a standing committee already in existence. There is now no such condition existing, as I understand. In so far as I know, no measure for relief has been proposed and perhaps none will be proposed but that peculiarly and properly will come within the jurisdiction of some standing committee of the Senate. Unless I believed that the standing committee to which such measure was to be referred when introduced was not in sympathy with it and therefore perhaps, unconsciously or otherwise, might not do what we believed to be its duty in expediting the consideration of the measure referred to it, I would not feel justified in voting for the creation of a special committee to take charge of that matter.

I repeat that, so far as I know, and so far as I have heard, there is no proposition for relief except on a subject upon which we now have standing committees. No one suggests and no one thinks that any one of the standing committees to which any measure of that kind may be referred is out of sympathy with what the Senator from Oklahoma wants to accomplish. It seems therefore to me that while his intentions are, of course, the very best, he is going to injure the cause that he is trying to forward by the advocacy of the adoption of this resolution.

It is perfectly apparent that there will be, if the idea of the Senator from Oklahoma shall be carried out, a great deal of confusion. He says that measures already introduced and already before standing committees providing for various measures of relief will remain where they are unless the author of a particular bill wants to have its reference changed, and that when a new measure is introduced the author of the bill and the Presiding Officer will decide to what committee it shall be referred.

I desire to call the attention of the Senate to the fact that while these references are made more or less loosely by the Presiding Officer and also by the introducer of a bill or resolution, the fact always remains that in the end, if the point is raised by any Member of the Senate, it is within the jurisdiction of the Senate itself to decide which committee shall have jurisdiction of any particular bill or resolution that may be introduced. I think we shall continually be operating under the confusion and disagreement of honest minds trying to do the same thing, but having different ideas as to how it should be accomplished, as to whether a committee should be discharged and the matter referred to this special committee. On the face of the resolution it seems to me it is imperative to refer it to this committee if the Senate would comply with the resolution, as I assume it would



whenever its attention was called to any bill or resolution. On the face of the resolution this committee would have exclusive jurisdiction; and it would be the duty of the Chair, or of the Senate if it made the reference, to refer to the special committee these resolutions that have already been introduced or that may be introduced in the future.

Mr. COPELAND. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from New York?

Mr. NORRIS. I yield.

Mr. COPELAND. There do come times when it is very difficult to know where to send a bill. For instance, this morning I introduced a bill which relates to surplus material which is being put on the market by the Navy Department, the War Department, and the General Supply Committee. It has seemed to me that when we are seeking to build up our manufactures and to give employment it is no time for the Government to flood the market with cheap material. I had that bill referred to the Committee on Commerce because that is the committee that has to do with business in a sense; and yet, after all, it relates to the Navy Department, and the Army, and various branches of the Government. That is a measure that might very properly be considered by the committee proposed by the Senator from Oklahoma, and yet which could not well be considered by any one of the standing committees of the Senate.

Mr. NORRIS. The Senator raises a question upon which honest minds could very well honestly differ, as to what committee should have that bill. That would be true of any committee. In the end, if the point is raised, the Senate will pass on it. In my judgment, the Senator's bill ought to be referred either to the Committee on Military Affairs or to the Committee on Naval Affairs; but somebody else may think differently. If any Senator did think differently and wanted to raise the point, he could make the motion, and it would be in order, that it be referred to any committee he might name in his motion, and the Senate would have to pass on it.

The question might arise, on a bill that would be introduced, whether it was emergency legislation within the meaning of the resolution which the Senator from Oklahoma has introduced; and Senators would disagree as to whether that committee ought to have jurisdiction of that particular bill. If the point is raised, the Senate will have to pass on it, and its judgment will be final. I think the same thing would be true of every bill and every resolution.

Mr. President, the illustration has been given here of a bill having some relief provisions pertaining to agriculture. We have a standing Committee of the Senate on Agriculture, presided over by the Senator from Oregon [Mr. McNARY]. Nobody questions the sincerity of that committee or its loyalty to all agricultural subjects. It has been in existence for years. Members have been on that committee for a period—in one instance I happen to know—of 18 years. They become familiar with the operations, the jurisdiction, and the business that is done by that committee. It seems to me that if I were introducing a bill providing for the relief of agriculture I would rather have it go to that committee than to a special committee.

The same thing would be true if any Senator should introduce a bill to provide for a large amount of public building. We have a Public Buildings Committee, composed of men who are familiar with the details of that kind of work. They have been working along that line for years. They are better qualified to pass on the subject than the rest of us; and the only excuse for taking such a bill away from that committee would perhaps be that the committee was out of sympathy with the particular resolution that some one wanted to get through or some bill that some Senator wanted passed; and if the Senate felt that way, it could send the bill to some other committee.

It seems to me that it is going to add to confusion if we pass this resolution. It is going to retard speedy action upon the various bills and resolutions that may come before us.

Mr. FLETCHER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. NORRIS. I do.

Mr. FLETCHER. Mr. President, I gathered when the Senator introduced the resolution, from the remarks he made at that time, that he had in mind this language in the President's message. On page 5, he says:

I have canvassed the departments of the Government as to the maximum amount that can be properly added to our present expenditure to accelerate all construction during the next six months, and I feel warranted in asking the Congress for an appropriation of from \$100,000,000 to \$150,000,000 to provide such further employment in this emergency. In connection therewith we need some authority to make enlarged temporary advances of Federal highway aid to the States.

I recommend that this appropriation be made distributable to the different departments upon recommendations of a committee of the Cabinet and approval by the President.

When the Senator offered the resolution I had an idea that he had in mind making this distribution as recommended by the committee which he provides for in his resolution, in connection with any other legislation that might be passed, rather than to have this extra emergency fund distributed by a committee of the Cabinet. I may be in error about that, but I supposed that was what he had in mind.

Mr. THOMAS of Oklahoma. Mr. President, if I may answer the question—

Mr. NORRIS. Yes; I yield to the Senator from Oklahoma.

Mr. THOMAS of Oklahoma. I did not have in mind the disposition of that \$100,000,000 or the \$150,000,000. I made the statement at that time that if \$100,000,000 should be given for relief purposes, that would only be at the rate of 81 cents per capita. If we should give \$150,000,000, that is at the rate of \$1.20 per capita to the entire population. While I realize that the entire population will not need relief, taking the figures from reliable estimates that there are 40,000,000 of our people that are in need of relief—8,000,000 unemployed, allowing 5 to a family, makes 40,000,000—even if we take that estimate, \$100,000,000 only means \$2.50 per capita, and \$150,000,000 means \$3.75 per capita.

My idea is that to get results we should have one committee made up, for example, of the chairmen or the ranking members of the great committees like Finance, Appropriations, Agriculture, and Commerce, with perhaps the majority and minority leaders placed on this committee. As I understand, they are not on any regular committee. I think our leader is not. He could serve admirably and with great credit and effectiveness on this committee. As I said a moment ago, we have with us now the junior Senator from Pennsylvania [Mr. Davis], formerly Secretary of Labor. He could render great assistance on this committee.

I had only one purpose in view—to have the best committee appointed to survey the entire question, to see to it that every class of our people is taken care of.

Mr. NORRIS. Mr. President, let me refer first to what the Senator from Florida said. He referred to what the President said in his message about the President wanting these matters attended to by a committee of Congress and a committee of members of the Cabinet.

I do not suppose the Senator from Oklahoma was speaking about members of the Cabinet being on the committee. The Senator from Florida was of the opinion that perhaps the Senator from Oklahoma wanted to head off the proposition of having Congress provide for committees consisting of Members of the Senate and House and members of the Cabinet. I do not believe there is any danger of the Senate providing for committees composed partially of its Members and of members of the Cabinet. The committees of Congress can call members of the Cabinet before them whenever they desire to do so, and members of the Cabinet will always be given courteous treatment when they appear before any of the committees either in that way or upon their own request.



Perhaps we should not be misled by the suggestion of President Hoover about the appointment of committees. He has been appointing committees ever since he has been President; and he has more committees operating now than I could enumerate. They have been doing various things, some of them perhaps very useful things, and some of them, so far as any information I have is concerned, have not been doing very much; but these committees are in existence. President Hoover is becoming famous for referring every difficult question to some committee that he may pick up somewhere around the country.

It reminds me, Mr. President, of a little verse that a newspaper friend of mine composed and gave to me several months ago. I have changed it just a little, and I hope the change I have made will be satisfactory to its author. As it is changed, it runs like this:

Once to every man and nation  
Comes the moment to decide,  
In the strife of truth with falsehood,  
For the good or evil side.  
But the case presents no problem  
To the White House engineer;  
He appoints a big commission  
To report some time next year.

So, Mr. President, I do not want to get into the habit of appointing numerous and miscellaneous committees to take up these matters when we already have provided by the rules sufficient committees that understand this work, and I think can do it more expeditiously.

Mr. WATSON. Mr. President, while we all cheerfully concur in the sentiment that the Senator from Oklahoma [Mr. THOMAS] has been actuated by the highest motives in the introduction of this measure, yet, after all that has been said, it must be clear to everybody that it would result in very great confusion and probably in retarding the promotion of the enterprise we all have in mind—namely, the relief of unemployment in the country. I think that after all that has been said we ought to be willing to refer the resolution of the Senator from Oklahoma to the Committee on Rules, and I therefore so move.

The PRESIDENT pro tempore. That motion may not be entertained, because the resolution is not before the Senate. The question is on agreeing to the motion of the Senator from Oklahoma that the Senate proceed to its consideration. The motion was rejected.

#### WELFARE OF MOTHERS AND INFANTS

Mr. JONES. Mr. President, I move that the Senate proceed to the consideration of Senate bill 255, for the promotion of the health and welfare of mothers and infants, and for other purposes. I desire to say that if this motion is carried it is not expected to press the bill to-day. I understand that it is the desire to adjourn over until Monday.

Mr. NORRIS. Mr. President, may I ask the Senator from Washington a question?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. JONES. Certainly.

Mr. NORRIS. I should like to ask the Senator whether his suggestion that he is not going to press the bill means that next week, if we adjourn until Monday, the bill will not be taken up and hurried along with reasonable speed to final disposition?

Mr. JONES. Oh, no; I did not mean that. I meant that the bill would not be pressed this afternoon. I expect to make it the unfinished business and press it as rapidly as possible.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Washington.

Mr. PHIPPS. Mr. President, as I understand the motion, the bill referred to is a bill similar to a law which was formerly in operation, the life of which had been extended from year to year for perhaps two years at a time, and when the matter was up the last time for extension a vote was had which continued the operation of the law for a period of two years, as I recall it, but with the definite understanding that if that agreement were entered into not

again would the Congress be called upon to enact similar legislation.

The measure to which I have just referred was always handled by the Committee on Education and Labor, of which I happened to be a member for some years. The bill now sought to be brought before the Senate, as I understand it, was referred, when introduced, to the Committee on Commerce, which to my mind was an incorrect reference to begin with.

I feel that the reopening of that question at this time, asking the Senate to pass upon that character of legislation, is going back upon an understanding and agreement which was definitely arrived at on the floor of this Chamber.

I hope the motion to take up the bill and make it the unfinished business will be disagreed to.

Mr. GOFF. Mr. President, as the chairman of the steering committee I should like to state that yesterday the matter of taking up the bill proposed by the Senator from Washington was considered, and there was no objection offered by the committee to the Senator proposing to take up the bill as the unfinished business next Monday. I promised the Senator that I would make this statement upon the floor of the Senate.

Mr. BINGHAM. Mr. President, will the Senator yield for a question?

Mr. GOFF. I yield.

Mr. BINGHAM. I should like to ask the distinguished Senator from West Virginia, the chairman of the committee, whether members of the committee were aware of what happened here when there was before the Senate two or three years ago the measure referred to a moment ago by the Senator from Colorado, when it was made the unfinished business. It was considered for several days, we got into a night session, and there were still a good many speeches to be made in opposition, when the proponents of the measure came before those who were conducting the opposition and stated that if we would withdraw the opposition and permit the bill to be passed, and the bureau created thereby, and its activities to be continued for one year longer, they would make no further effort to continue the legislation.

The original idea was that the bureau was to be a temporary matter to last for five years, but it had been continued from year to year. We were in a position at that time to defeat the legislation. The proponents came before us in the middle of the night, a conference was held, the telephone was used, Members at the other end of the Capitol were informed of the situation, the principal proponents of the bill outside of the Capitol were consulted, and they agreed that there would be no further effort made to continue the legislation, provided we would continue it for a year or two longer.

Mr. ROBINSON of Arkansas and Mr. JONES addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from West Virginia yield?

Mr. BINGHAM. I am asking the Senator from West Virginia a question, as to whether these matters were brought to the attention of his committee?

Mr. GOFF. I will say, in answer to the question of the Senator from Connecticut, that the matters to which he refers were not discussed by the committee. Several members of the committee were present who were members of the committee at the time to which the Senator from Connecticut makes reference, and I know that I myself had in mind and knew somewhat generally, but not in detail, as the Senator has stated them, the facts of the case.

Mr. FESS. Mr. President, will the Senator yield to me?

Mr. BINGHAM. In just a moment. The Senator has yielded to me and I have not finished.

I wanted to ask the Senator from West Virginia whether he consulted the present Vice President, who was at that time the majority leader on this side, and who was conversant with the agreement then made?

Mr. GOFF. I did not, but I did consult with the floor leader on the Republican side, who was present at the time the conference was held.



Mr. FESS. Mr. President, will the Senator yield to me?

Mr. GOFF. I yield to the Senator from Ohio.

Mr. FESS. My recollection is that there was opposition to the consideration of the legislation at the time referred to, and, as the Senator from Connecticut has stated, the opponents were in a situation where they could prevent a vote. It was reported to me that some agreement had been made that if they permitted the law to stand for two years more, that would be the end of it. I recall very distinctly that statement made by the Senator from Utah.

I raised the question at that time as to who entered into any such agreement, and the Senator from Washington made the same inquiry. I recall very distinctly that he would not be held to any kind of an agreement about which he knew nothing, and that was the situation in which I found myself. I knew nothing about any agreement of any sort except as was stated by the junior Senator from Utah, and I asked at the time he made the statement by what authority the agreement was made. How can any agreement of that kind be entered into to bind a future Congress?

Mr. JONES. Mr. President, will the Senator from West Virginia yield to me?

Mr. GOFF. I yield.

Mr. JONES. I simply wanted to say that there was some talk of an agreement. I was not attending any midnight meeting, or anything of the kind. I expressly stated on the floor of the Senate that I would not be bound not to press this matter in the future.

Mr. BINGHAM. Mr. President, if the Senator from West Virginia will yield to me, I recollect perfectly that the Senator from Washington, and I think the Senator from Ohio—I believe the RECORD will show this to be a fact—both stated at that time that they were not bound by the agreement. They had taken no part in the discussion, as far as I can recollect.

The senior Senator from Texas [Mr. SHEPPARD] was in charge of the measure. It was the Senator from Texas who came to us and proposed that if we were willing to let the measure go along for a year or two more than the law then provided there would be no further effort made to continue this particular kind of legislation.

That was the understanding we had, and the present Vice President was a party to that agreement. Of course, it did not control the Senate. I was asking the chairman of the steering committee, representing the Republican Members, whether they had had that agreement brought to their attention, because it seemed to me rather strange that a Republican steering committee, in view of the arrangement then entered into, should put this bill on their preference list and ask for its present consideration.

I recognize the fact that when the measure was introduced this time, the Senator from Washington introducing it, exercising his prerogative as a Senator, asked that it be referred to the Committee on Commerce instead of to the Committee on Education and Labor, where maternity legislation had previously been referred, very appropriately, and where it had been considered for years. That struck me as a rather remarkable thing to do. I have not been able to understand why maternity was a matter of commerce. But undoubtedly the Senator had the right to make that request. That was his committee.

The bill was promptly reported out, and the Senator is now pressing for its consideration. But before we vote to take it up I wanted to bring to the attention of the Senate the fact that we fought this matter out two or three years ago. The junior Senator from Utah, I am sure, will bear me out that we fought this matter out on the floor, and it was not our idea to enter into any compromise; it was the idea of the proponents of the legislation, who came to us and said, "If you will let this matter go through, it will not be brought up again." They said that after consulting with their Representatives in the House and those who represented this legislation outside the Halls of Congress.

The Senator from Washington and the Senator from Ohio cleared themselves immediately, and are entirely in order in supporting the legislation at this time, but there

was that agreement made by the proponents of the legislation, which they promptly paid no attention to, and in the very next Congress approached the committee in the House and the committee in the Senate in an effort to secure additional legislation, after they had agreed not to do so.

Mr. GOFF. Mr. President, I want to reply, just in one word, to the Senator from Connecticut. The Senator from Connecticut will agree that a promise of legislation in futuro would not be binding upon a Congress that did not then exist.

Mr. BINGHAM. I so stated.

Mr. GOFF. That was one of the things which, I might say, we had sub silentio in mind when we were discussing this question yesterday.

Mr. COPELAND. Mr. President, I remember very well the discussion which took place in the Senate when this matter was up before. I have occasion to remember it because of the tongue lashing I had from the then Senator from Missouri, Mr. Reed. I do not regard anybody bound except the Senator from Texas. He is bound not to bring up the bill again. But certainly nobody who took part in the discussion of the bill on the occasion referred to felt that he was bound to vote against a proposal which makes for the good of humanity whenever it might be presented.

As far as I am concerned, as one who took part in the debate at the time, I am here to say that I think this is a very meritorious matter, that it makes for the good of the families of America, it is life-saving to the mothers, it is life-saving to the babies, and whether there was any obligation placed upon a single Senator or not each will fight it out with his conscience, but as far as I am concerned, as one who was in the battle at the time, I am not bound by anything which happened then to stand against a measure so important as this when it comes up in this particular way.

Mr. SHEPPARD. Mr. President, my proposal was, so far as I recollect the matter, that I would not endeavor to extend the legislation at the time of its expiration. The legislation expired by virtue of its own terms on June 30, 1929. It has been inoperative now for a year and a half. I made no effort at the time it expired to renew it. I consider, therefore, that I complied with my obligation, and I do not feel that I am obligated to oppose the legislation now.

Mr. KING. Mr. President, in view of the reference made to myself by the senior Senator from Ohio [Mr. Fess], I feel justified in making a brief statement on the matter under discussion. Senators will recall that when the so-called maternity act was first brought to the attention of Congress those who were advocating the measure declared that it was not intended that the law should extend beyond a period of five years. Evidently they recognized that under our form of government the States have exclusive jurisdiction and control over their domestic affairs, and that the care of children and questions relating to maternity come within the supervision and control of the sovereign States. They pleaded, however, for the measure referred to upon the theory that some of the States were not sufficiently interested in the matter involved, and that if the Federal Government for a limited period would make an appropriation to be matched by the States, the latter at the expiration of the Federal-aid period would go forward without any further aid from Congress. If they had demanded a measure that was to fasten upon the Federal Government as a national policy the provisions of the bill, it is quite certain it would not have been passed, but under the plea that the bill was only temporary and that it would expire by limitation at the end of five years, it became a law. The opponents of the bill regarded it not only as unwise but as unconstitutional; they believed it to be an invasion of the rights of the States and a covert attempt to place the control of the children of the people under some bureaucratic Federal organization.

During the discussion of the bill the charge was made, as I recall, that the measure was not only socialistic but that it



found support in measures which were in force in Bolshevik Russia and which were brought to the attention of other countries by Madame Kollontoy, one of the most active of the soviet leaders. There were some, however, who supported the measure who were not so modest in their requests and who demanded legislation that would provide maternity hospitals throughout the United States and doctors and nurses to care for mothers and children. Under this scheme the Government was to spend millions annually to erect hospitals and to have an army of nurses and doctors, all of whom were to be under civil service and were to be paid liberally out of the Treasury of the United States. This view, however, was rejected and the bill as it became a law was materially narrowed in its provisions and, as stated, was limited to a period of five years.

Before the expiration of the five years, however, those who had proposed the legislation began an agitation for further legislation. The matter was referred to the Committee on Education and Labor of the Senate, as stated by the Senator from Colorado [Mr. PHIPPS]. That committee, after examining the question, reported a measure which was in the nature of a compromise and which continued the provisions of the bill for a further period of two years. When the bill came to the floor of the Senate it was debated at considerable length, and during the discussion, when it was obvious that the bill would not pass, an understanding was reached by the advocates and opponents of the bill. I recall that I had the floor and was speaking in opposition to the bill when I was informed that an understanding had been reached by the contending forces, under the terms of which, if opposition were withdrawn and the bill permitted to pass, no further efforts would be made to renew it or to extend its life or to obtain like legislation. When this information was conveyed to me I yielded the floor and the bill was passed. I understood, as did other Senators, that there would be no further effort to secure legislation of the character contained in the bill. It is certain that the opposition to the bill would have continued and the measure would have been defeated had it not been for the agreement which was reached.

Mr. BROOKHART. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Iowa?

Mr. KING. I am glad to yield to my friend.

Mr. BROOKHART. I wish to say to the Senator from Utah that I made no such agreement as that and there was no Senator who had any authority to make any such agreement to bind me.

Mr. KING. I did not charge that the Senator from Iowa made such an agreement. I am not arguing now that if the Senator had made such an agreement he would be precluded from supporting any measure that he saw fit. I am merely stating what my understanding was of the situation at that time. It is certain that the bill would have been killed then if it had not been for that agreement then entered into.

But the life of the measure was prolonged for two years. Now, after it was prolonged for two years, an effort is being made not only to revive it for two or four years more but to fasten upon the country a permanent system of Federal interference with the rights of the States. I hope the motion will not prevail.

While I have the floor I desire to call the attention of the Senator from Connecticut [Mr. BINGHAM] to a bill providing for the deportation of seamen, which was passed before adjournment last session. A motion to reconsider was made and is still pending. The motion was not acted upon before adjournment and, as stated, is still pending. I desire to give notice to the Senator from Connecticut and to the Senate that at the earliest possible moment I shall ask to take up that motion and have it disposed of. I do not desire to disregard the rights of the Senator or discommode him, but feel that this matter should be disposed of.

The PRESIDENT pro tempore. The question is on agreeing to the motion submitted by the Senator from Washington [Mr. JONES].

The motion was agreed to; and the Senate proceeded to consider the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes, which had been reported from the Committee on Commerce without amendment.

#### EXECUTIVE SESSION

Mr. McNARY. I move that the Senate proceed to the consideration of executive business in open executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. Reports of committees are in order.

Mr. BINGHAM. From the Committee on Finance I report the nomination of Elwyn T. Clark, of Connecticut, to be collector of customs for customs collection district No. 6, for the calendar.

The PRESIDENT pro tempore. The report will be placed on the Executive Calendar.

Mr. PHIPPS. From the Committee on Post Offices and Post Roads I submit reports of nominations for the calendar.

The PRESIDENT pro tempore. The reports will be placed on the Executive Calendar.

#### WILLIAM N. DOAK

The PRESIDENT pro tempore. The clerk will state the first business on the calendar.

The Chief Clerk announced the nomination of William N. Doak, of Virginia, to be Secretary of Labor, vice JAMES J. DAVIS, resigned.

Mr. WATSON. I ask unanimous consent for the present consideration of the report.

The PRESIDENT pro tempore. Is there objection?

Mr. COUZENS. I do not like to object, and I do not object because of the individual nominated, but I think we ought to have a rule that these nominations be placed on the calendar so we may know what is going to come up.

The PRESIDENT pro tempore. The report will go to the printed Executive Calendar.

The Senate resumed legislative session.

#### WELFARE OF MOTHERS AND INFANTS

Mr. JONES. Mr. President, the bill (S. 255) for the promotion of the health and welfare of mothers and infants, and for other purposes, I understand stands as the unfinished business?

The PRESIDENT pro tempore. It does.

#### ADJOURNMENT TO MONDAY

Mr. McNARY. I move that the Senate, as in legislative session, adjourn until Monday at 12 o'clock noon.

The motion was agreed to; and the Senate (at 4 o'clock and 7 minutes p. m.) adjourned until Monday, December 8, 1930, at 12 o'clock meridian.

#### NOMINATIONS

*Executive nominations received by the Senate December 4 (legislative day of December 3), 1930*

#### SECRETARIES IN THE DIPLOMATIC SERVICE

The following-named persons to be secretaries in the Diplomatic Service of the United States of America:

J. Kenly Bacon, of Massachusetts.  
Edward P. Borden, of New York.  
Homer M. Byington, jr., of Connecticut.  
Theodore S. Cleveland, of Ohio.  
Everett F. Drumright, of Oklahoma.  
F. Russell Engdahl, of Washington.  
Daniel Gaudin, jr., of Pennsylvania.  
John Hubner, 2d, of Maryland.  
Tevis Huhn, of New Jersey.  
Alfred W. Jones, of New York.  
J. Wesley Jones, of Iowa.  
Reginald S. Kazanjian, of Rhode Island.  
Nathaniel Lancaster, jr., of Virginia.  
F. Ridgway Lineaweaver, of Pennsylvania.  
Cecil B. Lyon, of New York.



Leslie G. Mayer, of California.  
 Walter P. McConaughy, of Alabama.  
 Joseph E. Newton, of Pennsylvania.  
 John B. Ocheltree, of New Jersey.  
 Maurice Pasquet, of New York.  
 Charles B. Perkins, of Rhode Island.  
 Arthur L. Richards, of California.  
 Donald H. Robinson, of New Jersey.  
 Frank A. Schuler, jr., of Michigan.  
 Allan C. Taylor, of New York.  
 Laurence W. Taylor, of California.  
 Clare H. Timberlake, of Michigan.  
 Leo Toch, of New York.  
 Ralph Townsend, of New York.  
 Arnold Van Benschoten, of Rhode Island.  
 Gerald Warner, of Massachusetts.  
 Lee Worley, of Washington.  
 Kenneth J. Yearns, of the District of Columbia.  
 Charles W. Yost, of New York.

#### VICE CONSULS OF CAREER

The following-named persons to be vice consuls of career of the United States of America:

J. Kenly Bacon, of Massachusetts.  
 Edward P. Borden, of New York.  
 Homer M. Byington, jr., of Connecticut.  
 Theodore S. Cleveland, of Ohio.  
 Everett F. Drumright, of Oklahoma.  
 F. Russell Engdahl, of Washington.  
 Daniel Gaudin, jr., of Pennsylvania.  
 John Hubner 2d, of Maryland.  
 Tevis Huhn, of New Jersey.  
 Alfred W. Jones, of New York.  
 J. Wesley Jones, of Iowa.  
 Reginald S. Kazanjian, of Rhode Island.  
 Nathaniel Lancaster, jr., of Virginia.  
 F. Ridgway Lineaweaver, of Pennsylvania.  
 Cecil B. Lyon, of New York.  
 Leslie G. Mayer, of California.  
 Walter P. McConaughy, of Alabama.  
 Joseph E. Newton, of Pennsylvania.  
 John B. Ocheltree, of New Jersey.  
 Maurice Pasquet, of New York.  
 Charles B. Perkins, of Rhode Island.  
 Arthur L. Richards, of California.  
 Donald H. Robinson, of New Jersey.  
 Frank A. Schuler, jr., of Michigan.  
 Allan C. Taylor, of New York.  
 Laurence W. Taylor, of California.  
 Clare H. Timberlake, of Michigan.  
 Leo Toch, of New York.  
 Ralph Townsend, of New York.  
 Arnold Van Benschoten, of Rhode Island.  
 Gerald Warner, of Massachusetts.  
 Lee Worley, of Washington.  
 Kenneth J. Yearns, of the District of Columbia.  
 Charles W. Yost, of New York.

#### FOREIGN SERVICE OFFICERS

##### UNCLASSIFIED

The following-named persons to be Foreign Service officers, unclassified, of the United States of America:

J. Kenly Bacon, of Massachusetts.  
 Edward P. Borden, of New York.  
 Homer M. Byington, jr., of Connecticut.  
 Theodore S. Cleveland, of Ohio.  
 Everett F. Drumright, of Oklahoma.  
 F. Russell Engdahl, of Washington.  
 Daniel Gaudin, jr., of Pennsylvania.  
 John Hubner, 2d, of Maryland.  
 Tevis Huhn, of New Jersey.  
 Alfred W. Jones, of New York.  
 J. Wesley Jones, of Iowa.  
 Reginald S. Kazanjian, of Rhode Island.  
 Nathaniel Lancaster, jr., of Virginia.  
 F. Ridgway Lineaweaver, of Pennsylvania.  
 Cecil B. Lyon, of New York.  
 Leslie G. Mayer, of California.

Walter P. McConaughy, of Alabama.  
 Joseph E. Newton, of Pennsylvania.  
 John B. Ocheltree, of New Jersey.  
 Maurice Pasquet, of New York.  
 Charles B. Perkins, of Rhode Island.  
 Arthur L. Richards, of California.  
 Donald H. Robinson, of New Jersey.  
 Frank A. Schuler, jr., of Michigan.  
 Allan C. Taylor, of New York.  
 Laurence W. Taylor, of California.  
 Clare H. Timberlake, of Michigan.  
 Leo Toch, of New York.  
 Ralph Townsend, of New York.  
 Arnold Van Benschoten, of Rhode Island.  
 Gerald Warner, of Massachusetts.  
 Lee Worley, of Washington.  
 Kenneth J. Yearns, of the District of Columbia.  
 Charles W. Yost, of New York.

#### VICE GOVERNOR OF THE PHILIPPINE ISLANDS

George Charles Butte, of Texas, to be Vice Governor of the Philippine Islands.

#### UNITED STATES CIRCUIT JUDGE

J. Whitaker Thompson, of Pennsylvania, to be United States circuit judge, third circuit. (Additional position.)

#### JUDGE OF THE UNITED STATES CUSTOMS COURT

David H. Kincheloe, of Kentucky, to be a judge of the United States Customs Court, to succeed George E. Weller, retired. (Mr. Kincheloe is now serving under a recess appointment.)

#### UNITED STATES MARSHALS

Thomas J. Kennamer, of Alabama, to be United States marshal, northern district of Alabama. (He is now serving in this office under an appointment which expired June 30, 1930.)

Charles D. Jones, of Alaska, to be United States marshal, division No. 2, District of Alaska. (He is now serving in this office under an appointment which expired June 30, 1930.)

Lynn Smith, of Alaska, to be United States marshal, division No. 4, District of Alaska. (He is now serving in this office under an appointment which expired February 16, 1930.)

Fred S. Pulver, of New York, to be United States marshal, eastern district of New York, to succeed August Ferrand, appointed by the court. (Mr. Pulver is now serving under a recess appointment.)

James C. McGregor, of Pennsylvania, to be United States marshal, western district of Pennsylvania. (He is now serving in this office under an appointment which expired April 13, 1930.)

#### RECORDER OF THE GENERAL LAND OFFICE

Mrs. Emma L. Warren, of Idaho, to be recorder of the General Land Office, vice Mrs. Mabel P. LeRoy, resigned.

#### APPOINTMENT, BY TRANSFER, IN THE ARMY TO AIR CORPS

Second Lieut. Ezekiel Wimberly Napier, Quartermaster Corps (detailed in Air Corps), with rank from June 13, 1929.

#### PROMOTIONS IN THE ARMY

##### To be colonels

Lieut. Col. John Royden Kelly, Infantry, from December 1, 1930.

Lieut. Col. Edward Raynsford Warner McCabe, Field Artillery, from December 1, 1930.

Lieut. Col. William Gustin Ball, Quartermaster Corps, from December 1, 1930.

##### To be lieutenant colonels

Maj. James Macdonald Lockett, Infantry, from December 1, 1930.

Maj. Jesse Cyrus Drain, Infantry, from December 1, 1930.

Maj. Alexander Wheeler Chilton, Infantry, from December 1, 1930.

Maj. Charles Henry Rice, Infantry, from December 1, 1930.



*To be majors*

Capt. Joseph Ware Whitney, Infantry, from December 1, 1930.  
 Capt. Peter Paul Salgado, Infantry, from December 1, 1930.  
 Capt. Guy Griswold Cowen, Infantry, from December 1, 1930.  
 Capt. Myron Gilbert Browne, Infantry, from December 1, 1930.  
 Capt. Pier Luigi Focardi, Corps of Engineers, from December 1, 1930.

*To be captains*

First Lieut. Clifford Cameron Nutt, Air Corps, from November 26, 1930.  
 First Lieut. Harry George Rennagel, Infantry, from November 27, 1930.  
 First Lieut. Everett Roscoe Stevens, Quartermaster Corps, from December 1, 1930.  
 First Lieut. Harry Samuel Fuller, Quartermaster Corps, from December 1, 1930.  
 First Lieut. Isaiah Davies, Air Corps, from December 1, 1930.  
 First Lieut. Arthur William Vanaman, Air Corps, from December 1, 1930.  
 First Lieut. Franklin Otis Carroll, Air Corps, from December 1, 1930.  
 First Lieut. Frederick William Evans, Air Corps, from December 1, 1930.  
 First Lieut. Oliver Edward Cound, Quartermaster Corps, from December 1, 1930.  
 First Lieut. David Nathaniel Hauseman, Ordnance Department, from December 1, 1930.  
 First Lieut. George Lincoln Townsend, Signal Corps, from December 1, 1930.  
 First Lieut. Edwin Yancey Argo, Field Artillery, from December 1, 1930.

*To be first lieutenants*

Second Lieut. Raymond Cecil Conder, Field Artillery, from November 26, 1930.  
 Second Lieut. Ralph Frederick Bartz, Infantry, from November 26, 1930.  
 Second Lieut. James Wentworth Clinton, Infantry, from November 27, 1930.  
 Second Lieut. Arthur Bliss, Field Artillery, from December 1, 1930.  
 Second Lieut. William Holmes Wood, Cavalry, from December 1, 1930.  
 Second Lieut. John William Black, Field Artillery, from December 1, 1930.  
 Second Lieut. Lucien Eugene Bolduc, Infantry, from December 1, 1930.  
 Second Lieut. Alfred Boyce Devereaux, Field Artillery, from December 1, 1930.  
 Second Lieut. Paul Maurice Seleen, Signal Corps, from December 1, 1930.  
 Second Lieut. Henry Ewell Strickland, Coast Artillery Corps, from December 1, 1930.  
 Second Lieut. Wilmer George Bennett, Field Artillery, from December 1, 1930.  
 Second Lieut. Arthur Charles Boll, Signal Corps, from December 1, 1930.  
 Second Lieut. Clifford Palmer Bradley, Air Corps, from December 1, 1930.  
 Second Lieut. Hubert Merrill Cole, Field Artillery, from December 1, 1930.

**HOUSE OF REPRESENTATIVES**

THURSDAY, DECEMBER 4, 1930

The House met at 12 o'clock noon.

The Rev. Walter John Sherman, D. D., of the Temple Methodist Church, San Francisco, Calif., offered the following prayer:

Father of all mercies, generation after generation rises and passes away before Thee. Age after age, generations seek Thee and we seek Thee. Our fathers asked of Thee

wisdom and power and abundant grace and Thou gavest it unto them. Impart to us, we pray, and to this Congress and to our Nation that confidence in Thy keeping power that alone can give to us the spiritual sufficiency to match this hour. Not as a God who giveth us benefits alone but as the God who daily beareth the burden of our lives, be Thou to us our uttermost resource. In simple trust we ask our prayer. Amen.

The Journal of the proceedings of yesterday was read and approved.

**MESSAGE FROM THE PRESIDENT**

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries.

**MESSAGE FROM THE SENATE**

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed, without amendment, bills and a joint resolution of the House of the following titles:

H. R. 4050. An act donating trophy gun to F. D. Hubbel Relief Corps No. 103, of Hillsboro, Ill.;  
 H. R. 7996. An act to change the name of Iowa Circle in the city of Washington to Logan Circle;  
 H. R. 10093. An act for the relief of Emmett Brooks;  
 H. R. 10341. An act to amend section 335 of the Criminal Code;  
 H. R. 12742. An act to amend the act entitled "An act to adjust the compensation of certain employees in the Customs Service," approved May 29, 1928;  
 H. R. 13035. An act to extend the times for commencing and completing the construction of a bridge across the Grand Calumet River at East Chicago, Ind.; and  
 H. J. Res. 333. Joint resolution to authorize an appropriation of \$10,000 for the expenses of participation by the United States in the Ninth International Dairy Congress, Copenhagen, Denmark, 1931.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 1759. An act for the relief of Laura A. DePodesta; and  
 H. R. 10198. An act to repeal obsolete statutes and to improve the United States Code.

The message also announced that the Senate had passed bills, a joint resolution, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 457. An act for the relief of the estate of Benjamin Braznell;  
 S. 896. An act to pay the Pioneer Steamship Co. the sum of \$3,100.50, money paid as duty for repairs in foreign ports;  
 S. 899. An act authorizing the Treasurer of the United States to refund to the Farmers' Grain Co., of Omaha, Nebr., income taxes illegally paid to the United States Treasurer;  
 S. 3620. An act for the relief of the Fairmont Creamery Co., of Omaha, Nebr.;  
 S. 4018. An act for the relief of the Lebanon Equity Exchange, of Lebanon, Nebr.;  
 S. 4274. An act for the relief of Dr. Cooper Nicholson;  
 S. J. Res. 195. Joint resolution authorizing investigation of certain operations on cotton exchanges; and  
 S. Con. Res. 34. Concurrent resolution to pay the Sussex Trust Co. a sum equal to six months' compensation of the late Napoleon B. Hearn.

**ADDRESS OF THE PRESIDENT OF THE UNITED STATES BEFORE THE AMERICAN BANKERS' CONVENTION**

Mr. CHALMERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the speech delivered by the President before the American Bankers' Association in Cleveland, October 2, 1930.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing the speech delivered by the President before the Bankers' Association in Cleveland. Is there objection?

There was no objection.